



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 21, No. 47 November 21, 2002 Pages 1933-1980

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 25-December 8. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/klrd.html>.

Date	Room	Time	Committee	Agenda
November 25	Touring	8:00 a.m.	Joint Committee on State	25th: Tour of Wichita State
November 26	Touring	8:00 a.m.	Building Construction	University, review of leases by Dept. of Administration, Division of Facilities Management. 26th: Tour of Pittsburg State University.
December 2	531-N	1:00 p.m.	Joint Committee on	Agenda not available.
December 3	531-N	9:00 a.m.	Administrative Rules and Regulations	
December 3	514-S	10:00 a.m.	Task Force on Long-Term Care Services	Discussion and direction to staff for final report.
December 4	514-S	1:00 p.m.	Senate Confirmations Oversight	Agenda not available.
December 5	123-S	10:00 a.m.	Joint Committee on	Meeting tentative.
December 6	123-S	9:00 a.m.	Economic Development	
December 5	531-N	9:00 a.m.	Joint Committee on Special	Hearings on claims filed to
December 6	531-N	9:00 a.m.	Claims Against the State	date.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 028649

The KANSAS REGISTER (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include \$5.76 state and local sales tax). Single copies may be purchased, if available, for \$2 each. **Periodicals postage paid at Topeka, KS.**

POSTMASTER: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

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PUBLISHED BY
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1st Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594
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State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet from 1:30 to 3:30 p.m. Thursday, December 5, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. For further information, call (785) 296-0923.

Barbara Tombs
Executive Director

Doc. No. 028640

State of Kansas

Natural Resources Legacy Alliance

Notice of Open Forums

The Kansas Natural Resources Legacy Alliance will hold open forums to receive comments from the public regarding natural resource concerns and issues at 7 p.m. Monday, December 2, at the Spring Hill Community Center, 613 S. Race, Spring Hill; and at 2 p.m. Tuesday, December 3, at the Cloud County Community College Conference Center, 2221 Campus Drive, Concordia. If special accommodations are needed, individuals should contact the State Conservation Commission at least three business days prior to the meeting at (785) 296-3600.

Tracy Streeter
Executive Director
State Conservation Commission

Doc. No. 028654

(Published in the Kansas Register November 21, 2002.)

**The Sunflower Foundation:
Health Care for Kansans**

Request for Proposals

The Sunflower Foundation: *Health Care for Kansans* announces its second request for proposals, which is a unique funding opportunity designed to strengthen the organizational capacity of safety net providers. Typically, these are health care providers that deliver the majority of their services to the uninsured, those covered by Medicaid and others unable to pay for services provided. Funds will be available to assist qualifying organizations in several areas, including governance and management development, information systems, fund development, client management services and evaluation.

All proposals must be postmarked not later than December 31. Grant awards will be announced on or before February 14, 2003. A copy of the RFP (#02-102) is available through several sources, including:

- A hard copy will be mailed when requested via telephone at (785) 232-3000 or toll-free (866) 232-3020, or via e-mail (mailinglist@sunflowerfoundation.org)
- A copy will be e-mailed when that format is requested (same contact information as above)
- A copy can be downloaded from the foundation's Web site: www.sunflowerfoundation.org

Larry Tobias
Vice President for Programs

Doc. No. 028657

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, December 6, in the Centennial Room of the Pozez Education Center, 1500 S.W. 10th Ave., Topeka. Committee meetings will begin at 10 a.m. Thursday, December 5.

Agenda items include updates on the office, committee reports and possible action, 2003 legislative agenda, EMS Summit—KRHOP, Advisory Committee on Trauma update, the FY 2003/2004 budget, and board meeting locations and dates for 2003.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, 66603, (785) 296-6237.

David Lake
Administrator

Doc. No. 028644

State of Kansas

Wichita State University

Request for Bids

Sealed bids for the following items will be received by the Wichita State University Office of Purchasing, Room 021, Morrison Hall, 1845 Fairmount, Wichita, 67260-0012, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (316) 978-3784 for additional information:

Friday, December 6, 2002

Bid Number 030078-4

Anthropomorphic Test Devices for the National
Institute for Aviation Research
(N.I.A.R.) Crash Dynamics Laboratory

Margaret A. Haddock
Interim Director of Purchasing

Doc. No. 028638

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 11-18-02 through 11-24-02

Term	Rate
1-89 days	1.28%
3 months	1.20%
6 months	1.23%
1 year	1.44%
18 months	1.67%
2 years	1.90%

Derl S. Treff
Director of Investments

Doc. No. 028637

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 03-05 by adding the following project:

Project PT-0001-03 - Purchase of 28 Capital Equipment Vehicles for Public Transit, Statewide

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude December 23.

E. Dean Carlson
Secretary of Transportation

Doc. No. 028642

(Published in the Kansas Register November 21, 2002.)

City of Wichita, Kansas

Notice to Bidders

The City of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, December 20, for the following project:

KDOT Project No. 87 TE-0115-01/472-82850 (785972)
(OCA Code 785972)
Paving

K-96 Bikepath from Grove Park to Oliver
(south of K-96 from west of Hillside to Oliver)

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or to Sandra Loggins, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Pam Plank at (316) 268-4499 or Sandra Loggins at (316) 268-4488 for extra sets of plans and specifications.

Sandra Loggins
Administrative Aide
City of Wichita—Engineering

Doc. No. 028646

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, December 2, 2002

05655

University of Kansas—Tables and Chairs

05656

University of Kansas—Lounge Furniture

Tuesday, December 3, 2002

05653

Statewide—Basic Clothing

05658

Kansas State University—Doors, Frames and Hardware

05660

Department of Transportation—Automated Consolidation/Swell Testing System

05659

Department of Wildlife and Parks—Agricultural Tractors, Various Locations

Wednesday, December 4, 2002

05623

Kansas School for the Blind—Security Guard Services

05668

Department of Wildlife and Parks—Flatbed Truck and Cargo Van, Various Locations

Thursday, December 5, 2002

A-9445

University of Kansas—CFC Improvements, Burt Hall

A-9541

Larned Correctional Mental Health Facility—Roof Replacement, West Unit

Tuesday, December 10, 2002

05666

Kansas State University—Wireless Voice and Data Communications Services

Thursday, December 19, 2002

A-9013

Department of Transportation—New Offices and Shop Facility, Liberal

Monday, January 6, 2003

05636

University of Kansas—Aircraft Insurance

John T. Houlihan
Director of Purchases

Doc. No. 028656

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Astaris, LLC has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Astaris, LLC, St. Louis, Missouri, owns and operates a facility that manufactures phosphoric acid and various grades of sodium phosphates located at 440 N. 9th, Lawrence, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Xiao Wu, (785) 296-1615, at the KDHE central office; or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Xiao Wu, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 23 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028652

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. The Scoular Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to expand its grain elevator shipping, receiving and storage operations. Emissions of particulate matter (PM) and particulate matter equal to or less than 10 microns in diameter (PM₁₀) were evaluated during the permit review process.

The Scoular Company, Salina, owns and operates the stationary source located at 603 Commercial St., Downs, at which the grain elevator expansion project is to be completed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact John Irwin, (785) 296-2501, at the KDHE central office; or Rick Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to John Irwin, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 23 in order for the Secretary of Health and Environment to consider the request.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028653

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Williams Gas Pipeline has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Williams Gas Pipeline, Owensboro, Kentucky, owns and operates a natural gas compressor station located at Section 3, Township 29 South, Range 35 West, Grant County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE, South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 23 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028650

State of Kansas

**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Mid Continent Market Center has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Mid Continent Market Center, Tulsa, Oklahoma, owns and operates a natural gas compressor station located at Section 10, Township 30 South, Range 37 West, Grant County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business December 23.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business December 23 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028651

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-02-294/300 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant

Clayton Carothers
18803 Maddox Road
La Cygne, KS 66040

Legal Description

NW/4 of Section 23,
T20S, R23E, Linn
County

Receiving Water

Marais des
Cygnes River
Basin

Kansas Permit No. A-MCLN-S007

This is a permit renewal for an existing facility with a revised animal unit and head count due to changes in the law or method of counting the total maximum capacity. The facility consists of 878 head (351 animal units) of swine weighing greater than 55 pounds and a maximum of 360 head (36 animal units) of swine weighing 55 pounds or less.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant

Mongeau AB Trust
512 S. 4th
Stockton, KS 67669

Legal Description

NW/4 of Section 20,
T07S, R18W, Rooks
County

Receiving Water

Solomon River
Basin

Kansas Permit No. A-SORO-B005

This is a new permit for a new facility for 800 head (400 animal units) of cattle weighing less than 700 pounds.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering and manure handling equipment shall be obtained through purchase, rental or custom application agreement prior to populating the facility. Written verification of the acquisition of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Name and Address of Applicant

Suiter Farms
P.O. Box 85
Macksville, KS 67557

Legal Description

NW/4 of Section 20,
T24S, R15W,
Stafford County

Receiving Water

Lower Arkansas
River Basin

Kansas Permit No. A-ARSF-C006

Federal Permit No. KS0097128

This is a new permit for an existing facility for 1,200 head (1,200 animal units) of beef cattle weighing greater than 700 pounds.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five-year permit cycle.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
4S Feeders Ed Schneider and Marvin Schneider 1965 Ave. K Kanopolis, KS 67454	SE/4 of Section 19, T15S, R07W, Ellsworth County	Smoky Hill River Basin

Kansas Permit No. A-SHEW-B003

This is a new permit for a new, existing, unregistered facility for a maximum of 599 head of cattle weighing more than 700 pounds [599 animal units (a.u.)] and 400 head of cattle weighing less than 700 pounds (200 a.u.), for a total of 999 head (799 a.u.) of cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five years.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering equipment shall be obtained within four months after the effective date of the permit through purchase, rental or custom application agreement. Written verification of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Brady, Inc. 1990 N. Road L Johnson, KS 67878	SE/4 of Section 36, T27S, R41W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-T001

This is a new permit for a new truck wash facility for a maximum of two livestock trailers per week.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Cutler Cattle Co. Inc. 5010 Big Valley Drive Scott City, KS 67871	SW/4 of Section 22, T17S, R33W, Scott County	Smoky Hill River Basin

Kansas Permit No. A-SHSC-C011 Federal Permit No. KS0087513

This is a renewal permit for an expanding facility from 2,000 head (2,000 animal units) to a maximum of 6,500 head (6,500 animal units) of beef cattle. The expansion is for an increase in head count, proposed new pens and a retention structure.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application

agreement. Written verification of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
John Cutshaw 2420 Vernon Road Prescott, KS 66767	NE/4 of Section 08, T23S, R25E, Linn County	Marais des Cygnes River Basin

Kansas Permit No. A-MCLN-M007

This is a new permit for an existing facility for a maximum of 85 head (119 animal units) of mature dairy cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Public Notice No. KS-02-165/168

Name and Address of Applicant	Waterway	Type of Discharge
Beverly, City of P.O. Box 137 Beverly, KS 67423	Saline River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-SA01-0001 Federal Permit No. KS0095141

Legal: SE $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, S15, T12S, R6W, Lincoln County

Facility Description: The proposed action is to modify and reissue a permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The purpose of the modification is to provide for the construction of a third cell to the existing lagoon system. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring of ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Lansing, City of 800 First Terrace Lansing, KS 66043	Missouri River via Seven Mile Creek via Ninemile Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO11-0002 Federal Permit No. KS0081647

Legal: NE $\frac{1}{4}$, NE $\frac{1}{4}$, S19, T9S, R23E, Leavenworth County

Facility Description: The proposed action is to modify and reissue a permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The purpose of the modification is to upgrade and expand the existing design flow of 1.4 MGD to 3.2 MGD. The upgrade of this plant increases treatment capacity and adds sludge handling processes and advanced treatment including nutrient removal. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform and pH. Monitoring of fecal coliform, total phosphorus, total Kjeldahl nitrogen, nitrate, nitrite, dissolved oxygen and effluent flow also will be required. A whole effluent toxicity (WET) test is to be conducted annually. A priority pollutant scan is

to be conducted during the third quarter of 2007. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Lincoln, City of 153 W. Lincoln St. Lincoln, KS 67455	Saline River	Treated Domestic Wastewater
Kansas Permit No. M-SA07-OO02 Federal Permit No. KS0096989		
Legal: SE¼, SW¼, S2, T12S, R8W, Saline County		

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of fecal coliform and ammonia also will be required. Included in this permit is a schedule of compliance requiring the permittee to make necessary improvements to achieve compliance with its permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Materials Inc. P.O. Box 1270 Olathe, KS 66051	Verdigris River via Caney River via various Tributaries	Treated Washwater, Pit Dewatering and Stormwater Runoff

Facility Name: Winfield Quarry
Kansas Permit No. I-VE42-PO01 Federal Permit No. KS0090301
Legal: E½ S8, W½ S16, E½ S17, NW¼ S28 and E½ S29, T32S, R8E, Cowley County

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarrying and crushing operation with washing. Outfall 001 consists of washwater that flows into two settling ponds in series for treatment before being discharged. Outfalls 002 and 003 consist of pit de-watering and stormwater runoff. Stormwater runoff from Outfall 004 also is treated by a settling pond. The proposed permit includes limits for total suspended solids and pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-ND-02-054

Name and Address of Applicant	Legal Location	Type of Discharge
Venture Corporation South 281 Hwy. P.O. Box 1486 Great Bend, KS 67530	State of Kansas	Nonoverflow

Facility Name: Cedar Rapids Plant 4
Kansas Permit No. I-UA16-NK11

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily process wastewater. This facility is engaged in a portable asphalt production operation. Two synthetic-lined settling pits collect wastewater originating from the wet washer at the asphalt plant. Wastewater from the settling pits is recycled as makeup water for the wet washer. The settling pits will be deactivated when the portable asphalt plant is moved off-site. Discharge of wastewater from this treatment facility to the surface waters of the State of Kansas is prohibited by this permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their

comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Glenda Newquist for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before December 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-294/300, KS-02-165/168, KS-ND-02-054) and name of applicant/application as listed when preparing comments. If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays,
67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence,
66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720,
(620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028655

State of Kansas

Credit Scoring Task Force

Notice of Meeting

The Kansas Credit Scoring Task Force will meet at 10 a.m. Monday, November 25, in Room 526-S of the State Capitol, 300 S.W. 10th Ave., Topeka. The meeting is open to the public. For additional information, call (785) 296-7803.

Michael McGrew
Chairman

Doc. No. 028647

State of Kansas

Board of Technical Professions

Notice of Meetings

The State Board of Technical Professions will hold its complaint committee meeting at 9 a.m. Thursday, December 5, in Room 507, Landon State Office Building, 900 S.W. Jackson, Topeka. The board will hold its regular board and committee meetings beginning at 7:30 a.m. Friday, December 6, at the Shawnee Country Club, 913 S.E. 29th, Topeka. The meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 028645

State of Kansas

Department of Administration

Temporary Administrative
Regulations

**Article 45.—MOTOR VEHICLE PARKING ON
CERTAIN STATE-OWNED OR STATE-OPERATED
PROPERTY IN SHAWNEE COUNTY**

1-45-15. Fines and enforcement. (a) Fines.

(1) In any parking location that is restricted to vehicles displaying a parking permit, each person whose vehicle is parked in violation of any of these regulations shall be subject to the following administrative fines:

(A) First violation: \$15 fine;

(B) second violation: \$25 fine;

(C) third violation: the person's motor vehicle shall be subject to being mechanically immobilized, and the person shall be subject to a \$50 fine; and

(D) each violation after the third violation: the person shall be subject to a \$100 fine and removal of the motor vehicle as specified in K.A.R. 1-45-16.

A violation shall be deemed to have occurred each time that a motor vehicle is found to be parked in a manner prohibited by these regulations, except that a second or subsequent violation shall not be deemed to have occurred on the same day when that motor vehicle continues in the same violation at the same location.

(2) In metered visitor parking areas, each person whose vehicle is parked after the expiration of the paid meter time or otherwise in violation of these regulations shall be subject to the following fines:

(A) First violation: \$3 fine; and

(B) subsequent violations in the same day and at least two hours after the previous violation: \$10 fine for each violation.

The administrative fines specified in this paragraph (a)(2) shall apply only to vehicles not bearing a parking permit. Each person whose vehicle bears a parking permit and is parked in violation of this paragraph (a)(2) shall be subject to the fines specified in paragraph (a)(1).

(3) Persons paying the administrative fines specified in this regulation shall not be deemed guilty of violating these regulations under K.S.A. 75-4508, and amendments thereto, and shall not be subject to the criminal penalties prescribed by K.S.A. 75-4508, and amendments thereto.

(B) Appeal of administrative fines.

(1) Any person who is assessed an administrative fine under this regulation may submit a written appeal of the fine to the director of facilities management within 10 days of the date on which the fine was assessed.

(2) An appeal review committee consisting of at least three individuals shall be convened by the director to consider each appeal. The fine may be affirmed, modified, or vacated by the appeal review committee based on the written documentation submitted with the appeal. Before affirming, modifying, or vacating the fine, the person may be requested by the appeal review committee to submit additional information in writing or in person.

(3) Written notice of the appeal review committee's decision to affirm, modify, or vacate the fine shall be given to the person within 30 days of the date on which the appeal is received by the director. The decision of the appeal review committee shall be final. (Authorized by K.S.A. 75-3706, 75-4506, as amended by L. 2002, Ch. 200, Sec. 1, K.S.A. 75-4507, and K.S.A. 75-4508, as amended by L. 2002, Ch. 200, Sec. 2; implementing K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1, and K.S.A. 75-4508, as amended by L. 2002, Ch. 200, Sec. 2; effective May 1, 1979; amended, T-1-11-12-02, Nov. 12, 2002.)

1-45-16. Removal of motor vehicles. In addition to any criminal penalties imposed under K.S.A. 75-4501 *et seq.*, and amendments thereto, or any administrative fines assessed under K.A.R. 1-45-15, any motor vehicle, whether privately or publicly owned, that is parked in violation of any of these regulations may be deemed to be a common nuisance. Upon direction of the secretary of administration or the secretary's designee, the nuisance may be abated through removal and impoundment of the motor vehicle. The cost of the abatement by removal and impoundment shall be a lien against the motor vehicle until paid to the director or the director's designee. (Authorized by K.S.A. 75-3706, K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1, and K.S.A. 75-4507; implementing K.S.A. 75-3762, K.S.A. 75-4506, as amended by L. 2002, Ch. 200, Sec. 1, and K.S.A. 75-4507; effective May 1, 1979; amended Jan. 6, 1992; amended, T-1-11-12-02, Nov. 12, 2002.)

Joyce Glasscock
Secretary of Administration

Doc. No. 028643

State of Kansas

Deferred Compensation Oversight Committee

Notice of Meeting

The Deferred Compensation Oversight Committee will meet at 1:30 p.m. Monday, November 25, in Room 951-S of the Landon State Office Building, 900 S.W. Jackson, Topeka. For further information, call (785) 296-2541.

Joyce Glasscock
Secretary of Administration

Doc. No. 028658

State of Kansas

Social and Rehabilitation Services

Permanent Administrative
RegulationsArticle 5.—PROVIDER PARTICIPATION, SCOPE OF
SERVICES, AND REIMBURSEMENTS FOR THE
MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-64. Prior authorization. (a) Any medical service may be placed by the secretary on the published list of services requiring prior authorization or precertification for any of the following reasons:

(1) To assure that provision of the service is medically necessary;

(2) to assure that services that may be subject to over-use are monitored for appropriateness in each case; and

(3) to assure that services are delivered in a cost-effective manner.

(b) Administration of covered pharmaceuticals in the following classes shall require prior authorization. A cross-reference of generic and trade names shall be made available upon request:

(1) Acne and skin lesion products:

(A) Tretinoin; and

(B) alitretinoin;

(2) antituberculosis products:

(A) Aminosalicylate sodium;

(B) capreomycin;

(C) ethambutol;

(D) ethionamide;

(E) isoniazid;

(F) pyrazinamide; and

(G) rifampin and rifampin/isoniazid combinations;

(3) benzodiazepines:

(A) Alprazolam;

(B) clorazepate dipotassium; and

(C) diazepam;

(4) all decubitus and wound care products;

(5) all intravenous and oral dietary and nutritional products, including the following:

(A) Amino acids, injectable;

(B) l-cysteine;

(C) lipids, injectable; and

(D) sodium phenylbutyrate;

(6) all growth hormones and growth hormone stimulating factor, including the following:

(A) Somatrem;

(B) somatropin; and

(C) sermorelin;

(7) modafinil;

(8) proton pump inhibitors:

(A) Esomeprazole;

(B) Lansoprazole 30 mg per day for longer than 60 days;

(C) omeprazole;

(D) pantoprazole 40 mg per day for longer than 60 days; and

(9) drugs for the treatment of impotence: alprostadil;

(10) monoclonal antibody for respiratory syncytial virus (RSV), including palivizumab;

(11) drugs for the treatment of obesity:

(A) Orlistat; and

(B) sibutramine;

(12) oxazolidinones, including linezolid;

(13) HMG-CoA reductase inhibitors: pravastatin;

(14) nonsedating antihistamines;

(A) Desloratadine;

(B) fexofenadine; and

(C) loratadine;

(15) H₂ antagonists: nizatidine; and

(16) the following drugs if specifically required by the physician, which shall require prior authorization to override maximum allowable cost (MAC) or federal upper limit (FUL) pricing:

(A) Clozaril;

(B) depakene;

(C) tegretol; and

(D) coumadin.

(c) Failure to obtain prior authorization, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified treatment. The prior authorization shall affect reimbursement to all providers associated with the service.

(d) The only exceptions to prior authorization shall be the following:

(1) Emergencies. If certain surgeries and procedures that require prior authorization are performed in an emergency situation, the request for authorization shall be made within two working days after the service is provided.

(2) Situations in which services requiring prior authorization are provided and retroactive eligibility is later established. When an emergency occurs or when retroactive eligibility is established, prior authorization for that service shall be waived, and if medical necessity is documented, payment shall be made.

(e) Services requiring prior authorization shall be considered covered services within the scope of the program unless the request for prior authorization is denied. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1992; amended July 1, 1994; amended March 1, 1995; amended March 1, 1996; amended July 1, 1996; amended July 1, 1997; amended Jan. 1, 1999; amended April 1, 2000; amended Oct. 1, 2000; amended Oct. 1, 2001; amended Dec. 6, 2002.)

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 028659

State of Kansas

Kansas State Treasurer

Permanent Administrative
RegulationsArticle 2.—KANSAS POSTSECONDARY
EDUCATION SAVINGS PROGRAM

3-2-2. Excess contributions. (a)(1) "Excess contributions" means contributions on behalf of a designated beneficiary in excess of the maximum account balance.

(2) "Maximum account balance" means an amount equal to the average amount of the qualified higher education expenses that would be incurred by a designated beneficiary for five years of study at institutions of postsecondary education located in the midwest states, as determined annually by the state treasurer.

(b) The program manager shall establish adequate safeguards to prevent excess contributions. At a minimum, those safeguards shall include all of the following:

(1) The program manager shall identify all accounts with the same designated beneficiary.

(2) When a contribution is forwarded to the program manager, the program manager shall use the following calculation to determine whether that contribution would exceed the maximum account balance:

(A) Add the following amounts:

- (i) The new contribution;
- (ii) the aggregate balance of all accounts for that designated beneficiary at the end of the prior quarter; and
- (iii) the sum of all other contributions made during the current quarter to any account for that designated beneficiary; and

(B) subtract the sum of all withdrawals made during the current quarter from any account for that designated beneficiary.

Any portion of the contribution that is determined in this manner to exceed the maximum account balance shall be an excess contribution.

(3) If the program manager determines that a contribution will result in excess contributions for that designated beneficiary, the program manager shall deposit only that portion of the contribution, if any, that will not result in an excess contribution. The program manager shall return the balance of the contribution to the contributor.

(c) The program manager shall continually monitor the contributions to and aggregate balance of all the accounts for each designated beneficiary, using the following calculation:

(A) Add the following amounts:

- (i) The aggregate balance of all accounts for that designated beneficiary at the end of the prior quarter; and
- (ii) the sum of all contributions made during the current quarter to any account for that designated beneficiary; and

(B) subtract the sum of all withdrawals made during the current quarter from any account for that designated beneficiary.

If at any time the result of this calculation exceeds the maximum account balance, the program manager shall

determine whether any portion of the amount in excess of the maximum account balance is attributable to contributions made during the current quarter. The program manager shall not be required to take any further action if the amount that created the excess is not attributable to current-quarter contributions. If any portion of the excess is attributable to current-quarter contributions, the program manager shall notify the account owner of each account creating the excess that excess contributions have been made on behalf of the designated beneficiary and that the excess contributions attributable to that account must be eliminated through a withdrawal or a rollover distribution.

(d) If, within 30 days of the date the notice is mailed to the account owner, the account owner does not submit a request for a withdrawal or rollover distribution in an amount sufficient to eliminate the excess contributions for that designated beneficiary, the program manager shall process withdrawal of the excess contributions from the affected account and shall forward the proceeds to the account owner. (Authorized by K.S.A. 2001 Supp. 75-644 and 75-646, as amended by L. 2002, Ch. 104, Sec. 2; implementing K.S.A. 2001 Supp. 75-646, as amended by L. 2002, Ch. 104, Sec. 2; effective June 30, 2000; amended Dec. 6, 2002.)

3-2-3. Withdrawals. Any account owner may withdraw part or all of the balance from the owner's account at any time.

Each request for a withdrawal shall be made in the form prescribed by the treasurer. The request shall include an identification of the account from which the withdrawal is to be made and the amount.

Except as otherwise provided by the postsecondary education savings agreement, the program manager shall process each withdrawal upon receipt of a completed withdrawal request. (Authorized by K.S.A. 2001 Supp. 75-644 and 75-646, as amended by L. 2002, Ch. 104, Sec. 2; implementing K.S.A. 2001 Supp. 75-646, as amended by L. 2002, Ch. 104, Sec. 2; effective June 30, 2000; amended Dec. 6, 2002.)

Tim Shallenburger
State Treasurer

Doc. No. 028648

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
RegulationsArticle 72.—RESIDENTIAL CHILDHOOD LEAD
POISONING PREVENTION PROGRAM

28-72-1. Definitions. In addition to the definitions contained in K.S.A. 65-1,201, and amendments thereto, the following definitions shall apply to the residential childhood lead poisoning prevention act.

(a) "Accreditation" means approval by KDHE of a training provider for a training course to train individuals for lead-based paint activities.

(b) "Accredited course" means a course that has been approved by the department for the training of lead professionals.

(c) "Act" means the residential childhood lead poisoning prevention act, and amendments thereto.

(d) "Adequate quality control" means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control shall also include provisions for representative sampling.

(e) "Audit" means the monitoring by KDHE of a training provider for a training course to ensure compliance with the act and this article.

(f) "Certified elevated blood lead (EBL) level inspector" and "EBL inspector" mean a person who meets the requirements of K.A.R. 28-72-6 and who is certified by the secretary.

(g) "Certified lead abatement supervisor" and "lead abatement supervisor" mean an individual who is trained by an accredited training program, as defined in this act, and certified by the secretary under K.A.R. 28-72-8 to supervise workers, to conduct lead abatement activities, and to prepare occupant protection plans and abatement reports.

(h) "Certified lead abatement worker" and "lead abatement worker" mean a person who meets the requirements of K.A.R. 28-72-7 and who is certified by the secretary.

(i) "Certified lead inspector" and "lead inspector" mean a person who meets the requirements of K.A.R. 28-72-5 and who is certified by the secretary. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(j) "Certified lead professional" means a person who is certified by the secretary as a lead inspector, elevated blood lead (EBL) level inspector, lead abatement supervisor, lead abatement worker, project designer, or risk assessor.

(k) "Certified project designer" and "project designer" mean a person who meets the requirements of K.A.R. 28-72-9 and who has been certified by the secretary.

(l) "Certified risk assessor" and "risk assessor" mean a person who meets the requirements of K.A.R. 28-72-6 and who is certified by the secretary.

(m) "Child-occupied facility" means a building, or portion of a building, constructed before 1978, visited by the same child six years of age or under, on at least two different days within any seven consecutive days, if each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities shall include day care centers, preschools, and kindergarten classrooms.

(n) "Classroom training" means training devoted to lecture, learning activities, small group activities, demonstrations, evaluations, or any combination of these educational activities.

(o) "Clearance levels" means the values that indicate the maximum amount of lead permitted in dust on a surface following completion of each abatement activity. These values shall be 40 micrograms per square foot on

floors, 250 micrograms per square foot on windowsills, and 400 micrograms per square foot on window troughs.

(p) "Common area" means a portion of the building that is generally accessible to all occupants. This term may include the following:

- (1) Hallways;
- (2) stairways;
- (3) laundry and recreational rooms;
- (4) playgrounds;
- (5) community centers;
- (6) garages; and
- (7) boundary fences.

(q) "Component" and "building component" mean specific design, structural elements, or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These terms shall include the following:

- (1) Interior components, including the following:
 - (A) Ceilings;
 - (B) crown moldings;
 - (C) walls;
 - (D) chair rails;
 - (E) doors and door trim;
 - (F) floors;
 - (G) fireplaces;
 - (H) radiators and other heating units;
 - (I) shelves and shelf supports;
 - (J) stair treads, risers, and stringers; newel posts; railing caps; and balustrades;
- (K) windows and trim, including sashes, window heads, jambs, sills, stools, and troughs;
- (L) built-in cabinets;
- (M) columns and beams;
- (N) bathroom vanities;
- (O) countertops; and
- (P) air conditioners; and
- (2) exterior components, including the following:
 - (A) Painted roofing and chimneys;
 - (B) flashing, gutters, and downspouts;
 - (C) ceilings;
 - (D) soffits and fascias;
 - (E) rake boards, cornerboards, and bulkheads;
 - (F) doors and door trim;
 - (G) fences;
 - (H) floors;
 - (I) joists;
 - (J) latticework;
 - (K) railings and railing caps;
 - (L) siding;
 - (M) handrails;
 - (N) stair risers, treads, and stringers;
 - (O) columns and balustrades;
 - (P) windowsills or window stools, troughs, casing, sashes and wells; and
 - (Q) air conditioners.

(r) "Containment" means a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

(s) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

(continued)

(t) "Course exam blueprint" means written documentation identifying the proportion of course exam questions devoted to each major topic in the course curriculum.

(u) "Course test" means an evaluation of the overall effectiveness of the training, which shall test each trainee's knowledge and retention of the topics covered during the course.

(v) "Department" means the Kansas department of health and environment.

(w) "Deteriorated paint" means paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component.

(x) "Discipline" means one of the specific types or categories of lead-based paint activities identified in this act in which individuals may receive training from accredited courses and become certified by the secretary.

(y) "Distinct painting history" means the application history, as indicated by the visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

(z) "Documented methodologies" means methods or protocols used to sample for the presence of lead in paint, dust, and soil.

(aa) "Elevated blood lead level (EBL) child" and "EBL child" mean any child who has an excessive absorption of lead with a confirmed concentration of lead in whole blood of 10 µg (micrograms) of lead per deciliter of whole blood from a single venous test.

(bb) "Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively bonded covering material.

(cc) "Encapsulation" means the application of an encapsulant.

(dd) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between the lead-based paint and the environment.

(ee) "EPA" means the United States environmental protection agency.

(ff) "Guest instructor" means an individual who is designated by the training program manager or principal instructor and who provides instruction specific to the lectures, hands-on work activities, or work practice components of a course.

(gg) "Hands-on skills assessment" means an evaluation of the effectiveness of the hands-on training that tests the ability of the trainees to demonstrate satisfactory performance of work practices and procedures as well as any other skills demonstrated in the course.

(hh) "Hands-on training" means training that involves the actual practice of a procedure, the use of equipment, or both.

(ii) "Hazardous waste" means any waste as defined in K.S.A. 65-3430, and amendments thereto.

(jj) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including the following:

(1) Repairing deteriorated lead-based paint;

(2) specialized cleaning;

(3) maintenance;

(4) painting;

(5) temporary containment;

(6) ongoing monitoring of lead-based paint hazards or potential hazards; and

(7) the establishment and operation of management and resident education programs.

(kk) "KDHE" means the Kansas department of health and environment.

(ll) "Large-scale abatement project" means a lead abatement project consisting of 10 or more dwellings.

(mm) "Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards in a residential dwelling or child-occupied facility.

(1) Lead abatement shall include the following:

(A) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil;

(B) all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with these measures;

(C) projects for which there is a written contract or other documentation requiring an individual to conduct activities in or to a residential dwelling or child-occupied facility that will result in or are designed to permanently eliminate lead-based paint hazards;

(D) projects resulting in the permanent elimination of lead-based paint hazards;

(E) projects resulting in the permanent elimination of lead-based paint hazards that are conducted by lead activity firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint abatement; and

(F) projects resulting in the permanent elimination of lead-based paint that are conducted in response to an abatement order.

(2)(A) Lead abatement shall not include renovation, remodeling, landscaping, and other activities if these activities are not designed to permanently eliminate lead-based paint hazards, but are designed to repair, restore, or remodel a given structure or dwelling, even though these activities could incidentally result in a reduction or elimination of lead-based paint hazards.

(B) Lead abatement shall not include interim controls, operations and maintenance activities, and other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(nn) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-based paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.

(oo) "Lead-contaminated dust" means surface dust in residential dwellings or child-occupied facilities that contains in excess of 40 micrograms per square foot on uncarpeted floors, 250 micrograms per square foot on win-

dowsills, and 400 micrograms per square foot on window troughs.

(pp) "Lead-contaminated soil" means bare soil on residential real property and on the property of a child-occupied facility that contains lead in excess of 400 parts per million for areas where child contact is likely and in excess of 1,200 parts per million in the rest of the yard.

(qq) "Lead hazard screen" means a limited risk assessment activity that involves limited paint and dust sampling as described in 40 C.F.R. 745.227(c). Specifically, in a residential dwelling, two composite samples shall be taken from the floors and one from the windows in rooms where one or more children, age 72 months and under, are most likely to come into contact with dust. Additionally, in multifamily dwellings and child-occupied facilities, composite dust samples shall be taken from any common areas where one or more children through the age 72 months are likely to come into contact with dust.

(rr) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a written report explaining the results of the investigation.

(ss) "Licensed lead activity firm," "lead activity firm," and "firm" mean an association, company, corporation, partnership, sole proprietorship, or other business entity that performs lead-based paint activities to which the secretary has issued a license of approval.

(tt) "Living area" means any area of a residential dwelling used by at least one child, six years of age and under, including the following:

- (1) Living rooms;
- (2) kitchen areas;
- (3) dens;
- (4) playrooms; and
- (5) children's bedrooms.

(uu) "Local government" means a county, city, town, district, association, or other public body, including an agency comprised of two or more of these entities, created under state law.

(vv) "Multifamily dwelling" means a structure that contains more than one separate residential dwelling unit used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(ww) "Third-party examination" means a discipline-specific examination administered by the department to test the knowledge of a person who has completed an approved training course and is applying for certification in a particular discipline.

(xx) "Nonprofit" means an entity that has demonstrated to any branch of the federal government or to a state, municipal, tribal, or territorial government that no part of its net earnings inure to the benefit of any private shareholder or individual.

(yy) "Occupation" means one of the specific types or categories of lead-based paint activities identified in this article for which individuals may receive training from accredited training providers. This term shall include lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or any combination of these.

(zz) "Occupant protection plan" means a plan developed by a licensed lead activity firm before the commencement of lead abatement in a residential dwelling or child-occupied facility that describes the measures and management procedures to be taken during lead abatement to protect the building occupants from exposure to any lead-based paint hazards.

(aaa) "Oral exam" means an exam that is equivalent to the written exam in content, but is read to the student by the principal instructor. The student shall be required to provide the answers to the exam in writing.

(bbb) "Passing score" means a grade of 70% or better on the third-party examination and training course examination for a lead occupation certificate.

(ccc) "Permanently covered soil" means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, including pavement and concrete. Grass, mulch, and other landscaping materials shall not be considered permanent covering.

(ddd) "Principal instructor" means an individual who has the primary responsibility for organizing and teaching a particular course.

(eee) "Project design" means lead abatement project designs, occupant protection plans, and lead abatement reports.

(fff) "Reaccreditation" means the renewal of accreditation of a training provider for a training course after the expiration of the initial accreditation.

(ggg) "Reciprocity" means an agreement between KDHE and other states who have similar licensing provisions.

(hhh) "Recognized laboratory" means a laboratory recognized by the EPA pursuant to section 405(b) of the toxic substances control act (TSCA) as being capable of performing analyses for lead compounds in paint chips, dust, and soil samples.

(iii) "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

(jjj) "Refresher course" means a course taken by a certified lead professional to maintain certification in a particular discipline.

(kkk) "Renewal" means the reissuance of a lead occupation certificate, a lead activity firm license, or a training provider accreditation.

(lll) "Risk assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards in a residential dwelling or child-occupied facility and the provision of a written report explaining the results of the investigation and options for reducing lead-based paint hazards.

(mmm) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any territory or possession of the United States.

(nnn) "Target housing" means housing constructed before 1978 with the exception of any zero-bedroom housing or housing built exclusively for the elderly or for

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persons with disabilities, unless one or more children through the age of 72 months reside or are expected to reside in the housing for the elderly or persons with disabilities.

(ooo) "Training course" means the course of instruction established by this article to prepare an individual for certification in a single occupation.

(ppp) "Training curriculum" means an established set of course topics for instruction by an accredited training provider for a particular occupation designed to provide specialized knowledge and skills.

(qqq) "Training hour" means at least 50 minutes of actual learning, including time devoted to lectures, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.

(rrr) "Training manager" means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.

(sss) "Training provider" means a person or entity providing training courses for the purpose of state certification or certification renewal in the occupations of lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, and project designer.

(ttt) "Visual inspection for clearance testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed.

(uuu) "X-ray fluorescence analyzer (XRF)" means an instrument that determines lead concentrations in milligrams per square centimeter (mg/cm²) using the principle of x-ray fluorescence. (Authorized by and implementing K.S.A. 2001 Supp. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-2. General requirements for licensure and certification. (a) Waiver. Applicants for certification or certified individuals may authorize others, including their employer, to act on their behalf regarding their certification application. This authorization shall be indicated on the application form provided by KDHE. If at any time the applicant or certified individual decides to change this authorization, the applicant or certified individual shall notify KDHE in writing of the change.

(b) Change of address. Each certified individual shall notify KDHE in writing of a change of mailing address no later than 30 days following the change. Each licensed lead activity firm shall notify KDHE in writing of a change in business mailing address no later than 30 days following the change. Until a change of address is received, all correspondence shall be mailed to the individual's mailing address and the lead activity firm's business address indicated on the most recent application form.

(c) Reciprocity. A lead occupation certificate may be issued by KDHE to any person that has made application and provided proof of certification from another state, if KDHE has entered into a reciprocity agreement with that state and the individual certification fee has been paid. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-3. Fees. The following fees shall apply: (a) Training providers.

(1) Accreditation fee	\$1,000
(2) Initial fee.	
(A) Lead abatement supervisor, lead abatement worker, and project designer courses	\$1,000
(B) Risk assessor and lead inspector courses	\$1,000
(3) Refresher course fee.	
(A) Lead abatement supervisor, lead abatement worker, and project designer courses	\$500
(B) Risk assessor and lead inspector courses	\$500
(4) Rec accreditation fee	\$1,000
(A)(i) Rec accreditation for lead abatement supervisor, lead abatement worker, and project designer courses	\$1,000
(ii) Rec accreditation for risk assessor and inspector courses	\$1,000
(B)(i) Refresher rec accreditation for lead abatement supervisor, lead abatement worker, and project designer courses	\$500
(ii) Refresher rec accreditation for risk assessor and lead inspector courses	\$500
(b) Lead inspector.	
(1) Individual certification	\$200
(2) Individual recertification	\$100
(3) Certification by reciprocity	\$200
(c) Risk assessor.	
(1) Individual certification	\$300
(2) Individual recertification	\$150
(3) Certification by reciprocity	\$300
(d) Lead abatement supervisor.	
(1) Individual certification	\$150
(2) Individual recertification	\$75
(3) Certification by reciprocity	\$150
(e) Project designer.	
(1) Individual certification	\$150
(2) Individual recertification	\$75
(3) Certification by reciprocity	\$150
(f) Lead abatement worker.	
(1) Individual certification	\$50
(2) Individual recertification	\$25
(3) Certification by reciprocity	\$50
(g) Third-party examination	\$50
(h) Lead activity firm.	
(1) License	\$500
(2) License renewal	\$250
(3) Lead abatement project fee	1% of each project or \$50, whichever is greater
(4) Licensure by reciprocity	\$500

Before qualifying for a fee exemption, a local health department or clinic shall have received a certificate from KDHE for elevated blood lead level investigation risk assessments. (Authorized by and implementing K.S.A. 2001 Supp. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-4. Training provider accreditation. (a) Good standing. Each individual firm wishing to provide lead activity training in Kansas shall be accredited by KDHE.

Each individual or firm desiring accreditation of the training courses for lead inspector, risk assessor, lead abatement worker, lead abatement supervisor, or project designer, or any combination, under this regulation who is required to be registered and in good standing with the Kansas secretary of state's office shall submit a copy of the individual's or firm's certificate of good standing to KDHE.

(b) Application for accreditation of a training provider for a training course. Completed applications shall be mailed to the Kansas department of health and environment.

Each application shall include the following:

(1) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(A) The training provider's name, address, and telephone number;

(B) the name and date of birth of the training manager;

(C) the name and date of birth of the principal instructor for each course;

(D) a list of locations at which training will take place;

(E) a list of courses for which the training provider is applying for accreditation; and

(F) a statement signed by the training manager certifying that the information in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(2) a copy of the student and instructor manuals;

(3) the course agenda;

(4) the course examination blueprint;

(5) a copy of the quality control plan as described in paragraph (d)(8) of this regulation;

(6) a copy of a sample course completion diploma as described in paragraph (d)(7) of this regulation;

(7) a description of the facilities and equipment to be used for lectures and hands-on training;

(8) a description of the activities and procedures that will be used for conducting the skills assessment for each course;

(9) a check or money order for the applicable nonrefundable accreditation fees specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from these fees; and

(10) documentation supporting the training manager's, principal instructor's, and any guest instructor's qualifications.

(c) Procedure for issuance or denial of training provider accreditation for a training course.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice of incomplete application, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in denial of the application for a training course accreditation.

(iii) After the information in the written notice is received, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(2) If an application is approved, a two-year accreditation certificate shall be issued by KDHE.

(3) If an application for training course accreditation is denied, the specific reason or reasons for the denial shall be stated by KDHE in the notice of denial to the applicant.

(A) Training course accreditation may be denied by KDHE for any of the following reasons:

(i) Failure of the training manager, principal instructor, or any guest instructor to satisfy the experience requirements;

(ii) three or more citations or violations within the past two years, by the training manager, principal instructor, or any guest instructor of any existing local, state, or federal lead-based paint activity regulations or standards;

(iii) false or misleading statements in the application;

(iv) false records, instructor qualifications, or other accreditation-related information or documentation;

(v) failure of the applicant to submit a complete application; or

(vi) final disciplinary action, for any violation of lead-based paint activity standards, against a training provider by another state, territory, federal agency or country, whether or not voluntarily agreed to by the training provider, including the denial of accreditation, surrender of the accreditation, allowing the accreditation to expire or lapse, or discontinuing or restricting the accreditation while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(B) If an application is denied, the applicant may reapply for accreditation at any time.

(C) If an applicant is aggrieved by a determination to deny accreditation, the applicant may request a hearing by the department in accordance with the Kansas administrative procedure act.

(d) Requirements for accreditation of a training provider for a training course. For a training provider to maintain accreditation from KDHE to offer a training course, the training provider shall meet the following requirements:

(1) Training manager. The training provider shall employ a training manager who meets the requirements in subsection (e) of this regulation. The training manager shall be responsible for ensuring that the accredited training provider complies at all times with all of the requirements in these regulations. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. Each guest instructor shall meet the requirements in subsection (f) of this regulation.

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(2) Principal instructor. The training provider, in coordination with the training manager, shall designate a qualified principal instructor who meets the requirements in subsection (f) of this regulation. The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course materials.

(3) The training provider shall meet the curriculum requirements set forth in K.A.R. 28-72-4a for each course contained in the application for accreditation of a training provider.

(4) Delivery of course. The training provider shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course exam, hands-on training, and assessment activities. This requirement shall include providing training equipment that reflects current work practice standards set forth in K.A.R. 28-72-13 through K.A.R. 28-72-21 and maintaining or updating the course materials, equipment, and facilities as needed.

(5) Course exam. For each course offered, the training provider shall conduct a monitored, written course exam at the completion of each course. An oral exam may be administered in lieu of a written course exam for the lead abatement worker course only. If an oral examination is administered, the student shall be required to provide the answers to the exam in writing.

(A) The course exam shall evaluate each trainee's competency and proficiency.

(B) All individuals shall pass the course exam in order to successfully complete any course and receive a course completion diploma. The passing score on the course exam shall be 70%.

(C) The training provider and the training manager shall be responsible for maintaining the validity and integrity of the course exam to ensure that the exam accurately evaluates each trainee's knowledge and retention of the course topics.

(6) Hands-on skills assessment. For each course offered, except for project designers, the training provider shall conduct a hands-on skills assessment. The training manager shall maintain the validity and integrity of the hands-on skills assessment to ensure that the assessment accurately evaluates each trainee's performance of the work practice procedures associated with the course topics.

(7) Course completion diploma. The training provider shall issue a unique course completion diploma to each individual who passes the training course. Each course completion diploma shall include the following:

(A) The name, a unique identification number, and the address of the individual;

(B) the name of the particular course that the individual completed;

(C) the dates of course attendance; and

(D) the name, address, and telephone number of the training provider.

(8) Quality control plan. The training manager shall develop and implement a quality control plan. The plan shall be used to maintain or progressively improve the quality of the accredited provider.

(A) This plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials and the course exam to reflect innovations in the field;

(ii) procedures for the training manager's annual review of the competency of the principal instructor; and

(iii) a review to ensure the adequacy of the facilities and equipment.

(B) An annual report discussing the results of the quality control plan shall be submitted to KDHE one year following accreditation and at renewal.

(9) Access by KDHE. The accredited training provider shall allow KDHE to conduct audits as needed in order for KDHE to evaluate the training provider's compliance with KDHE accreditation requirements. During this audit, the training provider shall make available to KDHE all information necessary to complete the evaluation. At KDHE's request, the training provider shall also make documents available for photocopying.

(10) Recordkeeping. The accredited training provider shall maintain at its principal place of business, for at least five years, the following records:

(A) All documents specified in paragraph (e)(2) and (f)(2) of this regulation that demonstrate the qualifications listed in paragraph (e)(1) of this regulation for the training manager, and paragraph (f)(1) of this regulation for the principal instructor and any guest instructor;

(B) curriculum or course materials, or both, and documents reflecting any changes made to these materials;

(C) the course examination and blueprint;

(D) information regarding how the hands-on skills assessment is conducted, including the following:

(i) The name of the person conducting the assessment;

(ii) the criteria for grading skills;

(iii) the facilities used;

(iv) the pass and fail rate; and

(v) the quality control plan as described in paragraph (d)(8) of this regulation;

(E) results of the students' hands-on skills assessments and course exams, and a record of each student's course completion diploma; and

(F) any other material not listed in this paragraph (d)(10) that was submitted to KDHE as part of the training provider's application for accreditation.

(11) Course notification. The accredited training provider shall notify KDHE in writing at least 14 calendar days before conducting an accredited training course.

(A) Each notification shall include the following information:

(i) The location of the course, if it will be conducted at a location other than the training provider's training facility;

(ii) the dates and times of the course;

(iii) the name of the course; and

(iv) the name of the principal instructor and any guest instructors conducting the course.

(B) If the scheduled training course has been changed or canceled, the accredited training provider shall notify KDHE in writing at least 24 hours before the training course was scheduled to begin.

(12) Changes to a training course. After a training course has been accredited, each change in any of the following items shall be submitted in writing to KDHE for

review and approval before the continuation of the training course:

- (A) The course curriculum;
- (B) the course examination;
- (C) the course materials;
- (D) the training manager, principal instructors, or guest instructors; or
- (E) the course completion diploma.

Within 60 calendar days after receipt of a change to a training course, the provider shall be informed by KDHE in writing that the change is either approved or disapproved. If the change is approved, the accredited training provider shall include the change in the training course. If the change is disapproved, the accredited training provider shall not include the change in the training course.

(13) Change of ownership. If an accredited training provider changes ownership, the new owner shall notify KDHE in writing at least 30 calendar days before the change of ownership becomes effective. The notification shall include a new training course provider accreditation application, the appropriate fee or fees, and the date that the change of ownership will become effective. The new training course provider accreditation application shall be processed according to this regulation. The current training provider's accreditation shall expire on the effective date specified in the notification of the change of ownership.

(14) Change of address. The accredited training provider shall submit to KDHE a written notice of the accredited training provider's new address and telephone number, and a description of the new training facility. The accredited training provider shall submit this information to KDHE not later than 30 days before relocating its business or transferring its records.

(e) Training, education, and experience requirements for the training manager.

(1) The education or experience requirements for the training manager shall include one year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, safety and health, or industrial hygiene, and at least one of the following:

- (A) A minimum of two years of experience in teaching or training adults;
- (B) a bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, business administration, or education; or
- (C) a minimum of two years of experience in managing a training program specializing in environmental hazards.

(2) The following records of experience and education shall be recognized by KDHE as evidence that the individual meets or exceeds KDHE requirements for a training manager:

- (A) Resumes, letters of reference from past employers, or documentation to evidence past experience that includes specific dates of employment, the employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements; and
- (B) official academic transcripts or diplomas, as evidence of meeting the education requirements.

(f) Training, education, and experience requirements for the principal instructor and any guest instructor.

(1) The training, education, and experience requirements for the principal instructor and any guest instructor of a training course shall include all of the following:

(A) Successful completion of at least 24 hours of any KDHE-accredited lead-specific training;

(B) a minimum of one year of experience in teaching or training adults; and

(C) a minimum of one year of experience in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene, or an associate degree or higher from a postsecondary educational institution in building construction technology, engineering, safety, public health, or industrial hygiene.

(2) The following records of experience and education shall be recognized by KDHE as evidence that the individual meets or exceeds KDHE requirements for a principal instructor:

(A) Course completion diplomas issued by the KDHE-accredited training provider as evidence of meeting the training requirements;

(B) official academic transcripts or diplomas, as evidence of meeting the education requirements; and

(C) resumes, letters of reference from past employers, or documentation to evidence past experience that includes specific dates of employment, the employer's name, address, telephone number, and specific job duties, as evidence of meeting the experience requirements.

(g)(1) Training provider accreditation may be restricted, suspended, or revoked by KDHE if a training provider, training manager, or other person with supervisory authority over the training provider performs at least one of the following:

(A) Provides, offers to provide, or claims to provide KDHE-accredited training courses without having this accreditation;

(B) presents inaccurate information in a training course;

(C) fails to submit any required information or notifications to KDHE in a timely manner;

(D) falsifies accreditation records, instructor qualifications, or other accreditation-related information or documentation;

(E) fails to comply with the training standards and requirements in this regulation and K.A.R. 28-72-4a;

(F) receives three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards; or

(G) makes false or misleading statements to KDHE in its application for accreditation or reaccreditation that KDHE relied upon in approving the application.

(2) Training provider accreditation may be restricted, suspended, or revoked by KDHE if the training provider has incurred final disciplinary action by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the training provider, including the denial of accreditation, surrender of the accreditation, allowing the accreditation to expire or lapse, or discontinuing or restricting the accreditation while subject to in-

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vestigation or while actually under investigation by another state, territory, federal agency, or country.

(3) Before restricting, suspending, or revoking a training provider's accreditation, a training provider shall be given written notice of the reasons for the restriction, suspension, or revocation. The training provider may request a hearing by the department in accordance with the Kansas administrative procedure act.

(h) Renewal of accreditation.

(1) Unless revoked sooner, a training provider's accreditation shall expire two years after the date of issuance. If a training provider meets the requirements of this regulation and K.A.R. 28-72-4a, the training provider shall be reaccredited.

(2) Each training provider seeking reaccreditation shall submit an application to KDHE at least 60 calendar days before the provider's accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.

(3) The training provider's application for reaccreditation shall contain the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for reaccreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 and K.A.R. 28-72-4a, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a list of courses for which the training provider is applying for reaccreditation;

(C) a description of any changes to the training facility, equipment, or course materials since the training provider's last application was approved that adversely affects the students' ability to learn; and

(D) a check or money order made payable to the Kansas department of health and environment for the non-refundable fees specified in K.A.R. 28-72-3, as applicable, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore fee exempt from these fees.

(i) If the training provider has allowed its accreditation to expire and the provider desires to be accredited, it shall reapply in the same manner as that required for an application for an original accreditation in accordance with this regulation. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203,

and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-4a. Curriculum requirements for training providers. (a)(1) Each training provider of a lead inspector training course shall ensure that the lead inspector training course curriculum includes, at a minimum, 16 hours of classroom training and eight hours of hands-on training.

(2) Each lead inspector training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of an inspector;

(B) background information on lead, including the history of lead use and sources of environmental lead contamination;

(C) the health effects of lead, including the following:

(i) The ways that lead enters and affects the body;

(ii) the levels of concern; and

(iii) symptoms, diagnosis, and treatments;

(D) the regulatory background and an overview of lead in applicable state and federal guidelines or regulations pertaining to lead-based paint, including the current version of each of the following:

(i) 40 CFR part 745;

(ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;

(iii) 29 CFR 1910.1200;

(iv) 29 CFR 1926.62; and

(v) title X: the residential lead-based paint hazard reduction act of 1992;

(E) the regulations in this article pertaining to lead licensure and to the Kansas work practice standards for lead-based paint activities specific to lead inspection activities;

(F) quality control and assurance procedures in testing analysis;

(G) legal liabilities and obligations; and

(H) recordkeeping.

(3) Each lead inspector training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:

(A) Lead-based paint inspection methods, including the selection of rooms and components for sampling or testing;

(B) preinspection planning and review, including developing a schematic site plan and determining inspection criteria and locations to collect samples in single-family and multifamily housing;

(C) paint, dust, and soil sampling methodologies, including the following:

(i) Lead-based paint testing or X-ray fluorescence paint analyzer (XRF) use, including the types of XRF units, their basic operation, and interpretation of XRF results, including substrate correction;

(ii) soil sample collection, including soil sampling techniques, the number and location of soil samples, and interpretation of soil sampling results; and

(iii) dust sample collection techniques, including the number and location of wipe samples and the interpretation of test results;

(D) clearance standards and testing, including random sampling; and

(E) preparation of the final inspection report.

(b) Each training provider of a risk assessor training course shall ensure that the risk assessor training course curriculum includes, at a minimum, 12 hours of classroom training and four hours of hands-on training.

(1) Each risk assessor training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of the risk assessor;

(B) the collection of background information to perform a risk assessment, including information on the age and history of the housing and occupancy by children under six years of age and women of childbearing age;

(C) sources of environmental lead contamination, including paint, surface dust and soil, water, air, packaging, and food;

(D) the regulations in this article pertaining to lead certification and to Kansas work practice standards for lead-based paint specific to risk assessment activities;

(E) development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and

(F) legal liabilities and obligations specific to a risk assessor.

(2) Each risk assessor training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:

(A) Visual inspection for the purposes of identifying potential sources of lead hazards;

(B) lead-hazard screen protocols;

(C) sampling for other sources of lead exposure, including drinking water;

(D) interpretation of lead-based paint and other lead sampling results related to the Kansas clearance standards; and

(E) preparation of a final risk assessment report.

(c) Each training provider of a lead abatement worker course shall ensure that the lead abatement worker training course curriculum includes, at a minimum, 16 hours of classroom training and eight hours of hands-on training.

(1) Each lead abatement worker training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of a lead abatement worker;

(B) background information on lead, including the history of lead use and sources of environmental lead contamination;

(C) the health effects of lead, including the following:

(i) The ways that lead enters and affects the body;

(ii) the levels of concern; and

(iii) symptoms, diagnosis, and treatments;

(D) the regulatory background and an overview of lead in applicable state and federal guidelines or regulations pertaining to lead-based paint, including the current version of each of the following:

(i) 40 CFR part 745;

(ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;

(iii) 29 CFR 1910.1200;

(iv) 29 CFR 1926.62; and

(v) title X: the residential lead-based paint hazard reduction act of 1992;

(E) the regulations in this article pertaining to lead certification and to the Kansas work practice standards for lead-based paint activities specific to lead abatement activities; and

(F) waste disposal techniques.

(2) Each lead abatement training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:

(A) Personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;

(B) lead hazard recognition and control, including site characterization, exposure measurements, medical surveillance, and engineering controls;

(C) preabatement set-up procedures, including containment for residential and commercial buildings and for superstructures;

(D) lead abatement and lead-hazard reduction methods for residential and commercial buildings and for superstructures, including prohibited practices;

(E) interior dust abatement methods and cleanup techniques; and

(F) soil and exterior dust abatement methods.

(d) Each training provider of a lead abatement supervisor training course shall ensure that the lead abatement supervisor training course curriculum includes, at a minimum, 28 hours of classroom training and 12 hours of hands-on training.

(1) Each lead abatement supervisor training course shall include, at a minimum, the following course topics:

(A) The role and responsibilities of a supervisor;

(B) background information on lead, including the history of lead use and sources of environmental lead contamination;

(C) the health effects of lead, including the following:

(i) The ways that lead enters and affects the body;

(ii) the levels of concern; and

(iii) symptoms, diagnosis, and treatments;

(D) the regulatory background and an overview of lead in applicable state and federal guidelines or regulations pertaining to lead-based paint, including the current version of each of the following:

(i) 40 CFR part 745;

(ii) U.S. HUD guidelines for the evaluation and control of lead-based paint hazards in housing;

(iii) 29 CFR 1910.1200;

(iv) 29 CFR 1926.62; and

(v) title X: the residential lead-based paint hazard reduction act of 1992;

(E) liability and insurance issues relating to lead abatement;

(F) the community relations process;

(G) hazard recognition and control techniques, including site characterization, exposure measurements, mate-

(continued)

rial identification, safety and health planning, medical surveillance, and engineering controls;

(H) the regulations in this article pertaining to lead certification and to the Kansas work practice standards for lead-based paint activities specific to lead abatement activities;

(I) clearance standards and testing;

(J) cleanup and waste disposal; and

(K) recordkeeping.

(2) Each lead abatement supervisor training course shall also include, at a minimum, the following course topics, the presentation of which shall require hands-on training as an integral component of the course:

(A) Cost estimation;

(B) risk assessment and inspection report interpretation;

(C) the development and implementation of an occupant protection plan and preabatement work plan, including containment for residential and commercial buildings and for superstructures;

(D) lead hazard recognition and control;

(E) personal protective equipment information, including respiratory equipment selection, air-purifying respirators, care and cleaning of respirators, respiratory program, protective clothing and equipment, and hygienic practices;

(F) lead abatement and lead-hazard reduction methods, including prohibited practices, for residential and commercial buildings and superstructures;

(G) project management, including supervisory techniques, contractor specifications, emergency response planning, and blueprint reading;

(H) interior dust abatement and cleanup techniques;

(I) soil and exterior dust abatement methods; and

(J) the preparation of an abatement report.

(e) Each training provider of a project designer training course shall ensure that the project designer training course curriculum includes, at a minimum, eight hours of classroom training. Each project designer training course shall include, at a minimum, the following course topics:

(1) The role and responsibilities of a project designer;

(2) the development and implementation of an occupant protection plan for large-scale abatement projects;

(3) lead abatement and lead-hazard reduction methods, including prohibited practices, for large-scale abatement projects;

(4) interior dust abatement or cleanup or lead-hazard control, and reduction methods for large-scale abatement projects;

(5) soil and exterior dust abatement methods for large-scale abatement projects;

(6) clearance standards and testing for large-scale abatement projects; and

(7) integration of lead abatement methods with modernization and rehabilitation projects for large-scale abatement projects. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-4b. Training provider accreditation; reciprocity. An accreditation certificate may be issued by

KDHE to any person or entity that has submitted an application, paid the necessary fees, and provided proof of accreditation from another state, if KDHE has entered into a reciprocity agreement with that state. (a) Application for accreditation of a training provider for a training course under reciprocity.

(1) Completed applications shall be mailed to the department.

(2) Each application shall include the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for accreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 and K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) the course agenda;

(C) the course examination blueprint;

(D) a copy of the quality control plan as described in paragraph (d)(8) of K.A.R. 28-72-4;

(E) a copy of a sample course completion diploma as described in paragraph (d)(7) of K.A.R. 28-72-4;

(F) a description of the facilities and equipment to be used for lectures and hands-on training;

(G) a description of the activities and procedures that will be used for conducting the hands-on skills assessment for each course;

(H) a check or money order for the applicable nonrefundable training provider accreditation and initial fees, as specified in K.A.R. 28-72-3, made payable to the Kansas department of health and environment, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from payment of these fees;

(I) documentation supporting the training manager's, principal instructor's, and guest instructor's qualifications; and

(J) documentation of accreditation in the courses for which the training provider is applying for accreditation.

(b) Application for accreditation of a training provider for a refresher training course under reciprocity. To obtain KDHE accreditation by reciprocity to offer refresher training in any occupation, a training provider shall submit a completed application to KDHE. Completed applications shall be mailed to the department.

Each application shall include the following:

(1) A completed training course accreditation application on a form provided by KDHE, which shall include the following:

- (A) The training provider's name, address, and telephone number;
 - (B) the name and date of birth of the training manager;
 - (C) the name and date of birth of the principal instructor for each course;
 - (D) a list of locations at which training will take place;
 - (E) a list of courses for which the training provider is applying for accreditation; and
 - (F) a statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;
- (2) the course agenda;
 - (3) the course examination blueprint;
 - (4) a copy of the quality control plan as described in paragraph (d)(8) of K.A.R. 28-72-4;
 - (5) a copy of a sample course completion diploma as described in paragraph (d)(7) of K.A.R. 28-72-4;
 - (6) a description of the facilities and equipment to be used for lectures and hands-on training;
 - (7) a check or money order for the applicable nonrefundable refresher fee specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from payment of this fee;
 - (8) documentation supporting the training manager's and principal instructor's qualifications; and
 - (9) documentation of accreditation by one or more other states in the refresher course for which the training provider is applying for accreditation.
- (c) The good standing requirements in K.A.R. 28-72-4(a), the procedures for issuance or denial of accreditation in K.A.R. 28-72-4(c), the requirements for accreditation of a training provider for a training course in K.A.R. 28-72-4(d), the training, education, and experience requirements for training managers and principal instructors in K.A.R. 28-72-4(e) and (f), and provisions relating to restriction, suspension, or revocation of accreditation in K.A.R. 28-72-4(g) shall apply to all training providers applying for accreditation of one or more training courses or refresher training courses by reciprocity, as applicable.
- (d)(1) Unless revoked sooner, each training provider's reciprocal accreditation, including refresher training accreditation, shall expire two years after the date of issuance. If a training provider meets the requirements of this regulation and K.A.R. 28-72-4, K.A.R. 28-72-4a, and, if applicable, K.A.R. 28-72-4c, the training provider shall be reaccredited.
- (2) Each training provider seeking reciprocal reaccreditation shall submit an application to KDHE at least 60 calendar days before the provider's accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.
- (3) The training provider's application for reaccreditation shall contain the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

- (i) The training provider's name, address, and telephone number;
- (ii) the name and date of birth of the training manager;
- (iii) the name and date of birth of the principal instructor for each course;
- (iv) a list of locations at which training will take place;
- (v) a list of courses for which the training provider is applying for reaccreditation; and
- (vi) a statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a list of courses for which the training provider is applying for reaccreditation;

(C) a description of any changes to the training facility, equipment, or course materials since the training provider's last application was approved that adversely affect the students' ability to learn; and

(D) a check or money order made payable to the Kansas department of health and environment for the applicable nonrefundable reaccreditation fee specified in K.A.R. 28-72-3, unless the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization and is therefore exempt from this fee.

(4) If the training provider has allowed its accreditation to expire and desires to be accredited, the training provider shall reapply in the same manner as that required for an application for an original accreditation in accordance with this regulation. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-4c. Training provider accreditation; refresher training course. (a) Application for accreditation of a training provider for a refresher training course. A training provider may seek accreditation to offer refresher training courses in any occupation. To obtain KDHE accreditation to offer refresher training courses, each training provider shall meet the following minimum requirements:

(1) Each refresher course shall review the curriculum topics of the full-length courses listed in K.A.R. 28-72-4a as appropriate. In addition, each training provider shall ensure that the refresher course of study includes, at a minimum, the following:

(A) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation;

(B) current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation; and

(C) current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate occupation.

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(2) Each refresher course, except for the project designer course, shall last a minimum of eight training hours. The project designer refresher course shall last a minimum of four training hours.

(3) For each refresher training course offered, the training provider shall conduct a hands-on assessment, if applicable.

(4) For each refresher training course offered, the training provider shall conduct a course exam at the completion of the course.

(b) Any training provider may apply for accreditation of a refresher training course concurrently with its application for accreditation of the corresponding training course as described in K.A.R. 28-72-4. If the training provider submits both applications concurrently, the procedures and requirements specified in K.A.R. 28-72-4 shall be used by KDHE for accreditation of the refresher course and the corresponding training course.

(c) Each training provider seeking accreditation to offer only refresher training courses shall submit a written application to KDHE.

(1) Completed applications shall be mailed to the Kansas department of health and environment.

(2) The application shall include the following:

(A) A completed training course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of courses for which the training provider is applying for accreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for accreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4 through K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a copy of the student and instructor manuals;

(C) the course agenda;

(D) the course examination blueprint;

(E) a copy of the quality control plan as described in paragraph (d)(8) of K.A.R. 28-72-4;

(F) a copy of a sample course completion diploma as described in paragraph (d)(7) of K.A.R. 28-72-4;

(G) a description of the facilities and equipment to be used for lecture and hands-on training;

(H) a check or money order for either of the following nonrefundable fees, unless the training provider is exempt from these fees because the training provider is a state, federally recognized Indian tribe, local government, or nonprofit organization:

(i) The \$500 fee for the refresher course for risk assessor and lead inspector classes; or

(ii) the \$500 fee for the refresher course for lead abatement supervisor, project designer, and abatement worker.

(d) The following shall apply to each training provider applying for the accreditation of refresher training courses:

(1) The good standing requirements in K.A.R. 28-72-4(a);

(2) the procedures for training provider accreditation issuance or denial in K.A.R. 28-72-4(c);

(3) the requirements for accreditation of a training provider for a training course;

(4) the training, education, and the experience requirements for training managers and principal instructors in K.A.R. 28-72-4(e) and (f); and

(5) the provisions relating to restriction, suspension, or revocation of accreditation in K.A.R. 28-72-4(g).

(e)(1) Unless revoked sooner, each training provider's accreditation, including refresher training courses, shall expire two years after the date of issuance. If a training provider meets the requirements of subsections (a), (c), and (d) of this regulation, the training provider shall be reaccredited.

(2) Each training provider seeking reaccreditation of one or more refresher training courses shall submit an application to KDHE at least 60 calendar days before the training provider's accreditation expires. If a training provider does not submit its application for reaccreditation by that date, the provider's reaccreditation before the end of the accreditation period shall not be guaranteed by KDHE.

(3) The training provider's application for reaccreditation shall contain the following:

(A) A completed training provider course accreditation application on a form provided by KDHE, which shall include the following:

(i) The training provider's name, address, and telephone number;

(ii) the name and date of birth of the training manager;

(iii) the name and date of birth of the principal instructor for each course;

(iv) a list of locations at which training will take place;

(v) a list of refresher training courses for which the training provider is applying for reaccreditation; and

(vi) a statement signed by the training manager certifying that the information provided in the application for reaccreditation, and any additional information included with the application, is true and accurate to the best of the training manager's knowledge and understanding, that the training provider will comply with K.A.R. 28-72-4, K.A.R. 28-72-4a, and K.A.R. 28-72-4c, and that the training provider will conduct lead training only in those occupations in which the training provider has received accreditation;

(B) a list of refresher training courses for which the training provider is applying for reaccreditation;

(C) a description of any changes to the training facility, equipment, or course materials since the training provider's last application was approved that adversely affect the students' ability to learn; and

(D) a check or money order made payable to the Kansas department of health and environment for the nonrefundable fees specified in K.A.R. 28-72-3, as applicable, unless the training provider is a state, federally recog-

nized Indian tribe, local government, or nonprofit organization and is therefore exempt from these fees.

(4) If the training provider has allowed its accreditation to expire and the provider desires to be accredited, the training provider shall reapply in the same manner as that required for an application for an original accreditation in accordance with this regulation. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-5. Application process and requirements for the certification of lead inspectors. (a) Application for a lead inspector certificate.

(1) Each applicant for a lead inspector certificate shall submit a completed application to KDHE before consideration for certificate issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, certificate identification number, and dates of course attendance;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE-accredited lead inspector training course completion diploma, and any required refresher course completion diplomas;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for lead inspectors; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a lead inspector certificate shall apply to KDHE within one year after the applicant's successful completion of the KDHE-accredited lead inspector training course, as indicated on the course completion diploma. Applicants failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, successfully complete the eight-hour lead inspector refresher training course accredited by the KDHE.

(4) Each applicant who fails to apply within two years after the lead inspector training and who has not successfully completed refresher training shall successfully complete the KDHE-accredited lead inspector training course before submitting an application for a lead inspector certificate.

(b) Application for a lead inspector certificate under reciprocity.

(1) Each applicant for a lead inspector certificate by reciprocity shall submit a completed application to KDHE before consideration for certificate issuance. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, diploma identification number, and date of course completion;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

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(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training, education, and experience requirements for a lead inspector certificate.

(1) Each applicant for certification as a lead inspector shall complete a KDHE-accredited lead inspector training course and shall pass the course examination and the third-party examination, each with a score of 70% or more.

(2) Each applicant for certification as a lead inspector shall meet the minimum education or experience requirements for a certified lead inspector.

(A) The minimum education or experience requirements for a certified lead inspector shall include at least one of the following:

(i) A bachelor's degree;

(ii) an associate's degree and one year of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work; or

(iii) either a high school diploma or a certificate of high school equivalency (GED), in addition to two years of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Official academic transcripts or diplomas as evidence of meeting the education requirements;

(ii) resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements; and

(iii) course completion diplomas issued by the KDHE-accredited training provider as evidence of meeting the training requirements.

(d) Procedure for issuance or denial of a lead inspector certificate.

(1) The applicant shall be informed by the secretary in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to the secretary, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in the

secretary's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by the secretary in writing that the application is either approved or denied.

(B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to achieve a passing score on the third-party exam after three attempts;

(v) failure to submit a complete application;

(vi) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vii) three or more violations within the past two years of 29 CFR 1926.62, as revised on January 8, 1998, or 29 CFR 1910.1200, as revised on February 13, 1996, both of which are hereby adopted by reference;

(viii) fraud or failure to disclose facts relevant to the application;

(ix) permitting the duplication or use by another of the individual's certificate;

(x) any other information that may affect the applicant's ability to appropriately perform lead inspections; or

(xi) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead inspector certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the administrative hearing commission as provided by the Kansas administrative procedure act.

(2) Within 180 calendar days after application approval, the applicant shall attain a passing score on the third-party examination for lead inspectors.

(A) An applicant shall not sit for the third-party examination for lead inspectors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

(B) The applicant's failure to obtain a passing score on the third-party examination for lead inspectors within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but

only after retaking the KDHE-accredited lead inspector training course.

(3) After the applicant passes the third-party examination, a two-year lead inspector certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-6. Application process and requirements for the certification of risk assessors. (a) Application for a risk assessor certificate.

(1) Each applicant for a risk assessor certificate shall submit a completed application to KDHE before consideration for certificate issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, diploma identification number, and dates of course attendance;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE-accredited risk assessor and lead inspector training course completion diploma, and any required refresher course completion diplomas;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for risk assessors; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a risk assessor certificate shall apply to KDHE within one year after the applicant's successful completion of the KDHE-accredited risk assessor training course, as indicated on the course completion diploma. Applicants failing to apply within one year after the date on the training course completion certificate shall, before making application for certification, successfully complete the eight-hour risk assessor refresher training course accredited by the KDHE.

(4) An applicant who fails to apply within two years after the risk assessor training and who has not successfully completed the refresher training course shall successfully complete the KDHE-accredited risk assessor training course before submitting an application for a risk assessor certificate.

(b) Application for risk assessor certificate under reciprocity.

(1) Each applicant for a risk assessor certificate by reciprocity shall submit a completed application to KDHE before consideration for certificate issuance. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(x) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the

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applicant will comply with applicable state statutes and regulations;

(B) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training, education, and experience requirements for a risk assessor certificate.

(1) Each applicant for a certificate as a risk assessor shall complete a KDHE-accredited risk assessor training course and a lead inspector training course, and shall pass both the course examinations and the third-party risk assessor examination, each with a score of 70% or more.

(2) Each applicant for a certificate as a risk assessor shall meet the minimum education and experience requirements for a certified risk assessor.

(A) The minimum education and experience requirements for a certified risk assessor shall include at least one of the following:

(i) A bachelor's degree and at least one year of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work;

(ii) an associate's degree and two years of experience in a related field, including housing repair and inspection, and lead, asbestos, and environmental remediation work;

(iii) certification as an industrial hygienist, professional engineer, or registered architect, or certification in a related engineering, health, or environmental field, including a safety professional and environmental scientist; or

(iv) either a high school diploma or a certificate of high school equivalency (GED), in addition to three years of experience in a field, including housing repair and inspection, and lead, asbestos, and environmental remediation work.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Official academic transcripts or diplomas as evidence of meeting the education requirements;

(ii) resumes, letters of reference, or documentation of work experience, which at a minimum shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;

(iii) course completion diplomas issued by the KDHE-accredited training provider as evidence of meeting the training requirements; and

(iv) appropriate documentation of certifications or registrations.

(d) Procedure for issuance or denial of a risk assessor certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to achieve a passing score on the third-party exam after three attempts;

(v) failure to submit a complete application;

(vi) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vii) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200;

(viii) fraud or failure to disclose facts relevant to the application;

(ix) permitting the duplication or use by another of the individual's certificate;

(x) any other information that may affect the applicant's ability to appropriately perform risk assessments; or

(xi) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a risk assessor certificate by submitting a complete lead occupation certification application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) Within 180 calendar days after application approval, the applicant shall attain a passing score on the third-party examination for risk assessors.

(A) An applicant shall not sit for the third-party examination for risk assessors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

(B) The applicant's failure to obtain a passing score on the third-party examination for risk assessors within the 180-day period following the notice of an approved ap-

plication for a certificate shall result in KDHE's denial of the individual's application for a certificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the KDHE-accredited risk assessor training course.

(3) After the applicant passes the third-party examination, a two-year risk assessor certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-7. Application process and requirements for the certification of lead abatement workers. (a) Application for a lead abatement worker certificate.

(1) Each applicant for a lead abatement worker certificate shall submit a completed application to KDHE before consideration for certificate issuance. Each application for certification shall be received by KDHE within one year after successful completion of the lead abatement worker training course. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, diploma identification number, and dates of course attendance; and

(x) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE-accredited lead abatement worker training course completion diploma, and any required refresher course completion diplomas;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-

generated or photocopied photographs shall not be acceptable; and

(D) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a lead abatement worker certificate shall apply to KDHE within one year after the applicant's successful completion of the KDHE-accredited lead abatement worker training course, as indicated on the certificate of completion. Applicants failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, successfully complete the eight-hour lead abatement worker refresher training course accredited by KDHE.

(4) An applicant who fails to apply within two years after the lead abatement worker training and who has not successfully completed refresher training shall successfully complete the KDHE-accredited lead abatement worker training course before submitting an application for a lead abatement worker certificate.

(b) Application for a lead abatement worker certificate under reciprocity.

(1) Each applicant for a lead abatement worker certificate by reciprocity shall submit a completed application to KDHE before consideration for certificate issuance. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and copy of the EPA certificate; and

(ix) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(continued)

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training requirements for a lead abatement worker's certificate. Each applicant for a certificate as a lead abatement worker shall complete a KDHE-accredited lead abatement worker training course and pass the course examination with a score of 70% or more. The applicant shall submit a course completion diploma issued by the KDHE-accredited training provider as evidence of meeting this requirement.

(d) Procedure for issuance or denial of a lead abatement worker certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to submit a complete application;

(v) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vi) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200, as adopted by reference in K.A.R. 28-72-5;

(vii) fraud or failure to disclose facts relevant to the application;

(viii) permitting the duplication or use by another of the individual's certificate;

(ix) any other information that may affect the applicant's ability to appropriately perform lead abatement worker activities; or

(x) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead abatement worker certificate by

submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) If the application is approved, a two-year lead abatement worker certificate and a photo identification badge shall be issued by KDHE.

(3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-8. Application process and requirements for the certification of lead abatement supervisors. (a) Application for a lead abatement supervisor certificate.

(1) Each applicant for a lead abatement supervisor certificate shall submit a completed application to KDHE before consideration for certificate issuance. All applications for certification shall be received by KDHE at least 30 days before the date of the third-party examination, but the deadline for filing applications may be waived by KDHE as particular circumstances justify. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, diploma identification number, and dates of course attendance;

(x) any employment history or education that meets the experience requirements specified in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the

applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE-accredited lead abatement supervisor training course completion diploma, and any required refresher course completion diplomas;

(C) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for lead abatement supervisors; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a lead abatement supervisor certificate shall apply to KDHE within one year after the applicant's successful completion of the KDHE-accredited lead abatement supervisor training course, as indicated on the course completion diploma. Applicants failing to apply within one year after the date on the training course completion certificate shall, before making application for certification, successfully complete the eight-hour lead abatement supervisor refresher training course accredited by KDHE.

(4) An applicant who fails to apply within two years after the lead abatement supervisor training and who has not successfully completed refresher training shall successfully complete the KDHE-accredited lead abatement supervisor training course before submitting an application for a lead abatement supervisor certificate.

(b) Application for a lead abatement supervisor certificate under reciprocity.

(1) Each applicant for a lead abatement supervisor certificate by reciprocity shall submit a completed application to KDHE before consideration for certificate issuance. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and copy of the EPA certificate;

(ix) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(x) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training and experience requirements for a lead abatement supervisor certificate.

(1) Each applicant for a certificate as a lead abatement supervisor shall complete a KDHE-accredited lead abatement supervisor training course and shall pass the course examination and the third-party examination, each with a score of 70% or more.

(2) Each applicant for a certificate as a lead abatement supervisor shall meet the minimum experience requirements for a certified lead abatement supervisor.

(A) The minimum experience requirements for a lead abatement supervisor certificate shall include at least one of the following:

(i) At least one year of experience as a certified lead abatement worker certified by the secretary, the EPA, or an EPA-approved state;

(ii) at least two years of experience in asbestos abatement work as a construction manager or superintendent;

(iii) at least two years of experience as a manager for environmental hazard remediation projects; or

(iv) at least two years of experience as a supervisor in residential construction.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Resumes, letters of reference, or documentation of work experience, which shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;

(ii) course completion diplomas issued by a KDHE-accredited training provider as evidence of meeting the training requirements; and

(iii) a copy of the lead abatement supervisor certificate or identification badge as evidence of having been a certified lead abatement supervisor.

(d) Procedure for issuance or denial of a lead abatement supervisor certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

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(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) If an application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Certification may be denied by the secretary for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to achieve a passing score on the third-party exam after three attempts;

(v) failure to submit a complete application;

(vi) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vii) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200, as adopted by reference in K.A.R. 28-72-5;

(viii) fraud or failure to disclose facts relevant to the application;

(ix) permitting the duplication or use by another of the individual's certificate;

(x) any other information that may affect the applicant's ability to appropriately perform abatement supervisor activities; or

(xi) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead abatement supervisor certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) Within 180 calendar days after application approval, the applicant shall attain a passing score on the third-party examination for lead abatement supervisors.

(A) An applicant shall not sit for the third-party examination for lead abatement supervisors more than three times within 180 calendar days after the issuance date of the notice of an approved application.

(B) The applicant's failure to obtain a passing score on the third-party examination for lead abatement supervisors within the 180-day period following the notice of an approved application for a certificate shall result in KDHE's denial of the individual's application for a cer-

tificate. The individual may reapply to KDHE pursuant to this regulation but only after retaking the KDHE-accredited lead abatement supervisor training course.

(3) After the applicant passes the third-party examination, a two-year lead abatement supervisor certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-9. Application for the certification of project designers. (a) Application for a project designer certificate.

(1) Each applicant for a project designer certificate shall submit a completed application to KDHE before consideration for certificate issuance. Each application for certification shall be received by KDHE within one year of successful completion of the project designer training course. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the county or counties in which the applicant is employed;

(v) the address where the applicant would like to receive correspondence regarding the application or certification;

(vi) the occupation for which the applicant wishes to be certified;

(vii) proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(viii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and a copy of the EPA certificate;

(ix) the type of training completed, including the name of the training provider, diploma identification number, and dates of course attendance;

(x) any employment history or education that meets the experience requirements in subsection (c) of this regulation; and

(xi) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) A copy of the KDHE-accredited project designer training course completion diploma, and any required refresher course completion diplomas;

(C) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable;

(D) documentation pursuant to subsection (c) of this regulation as evidence of meeting the education or experience requirements for project designers; and

(E) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(3) Each applicant for a project designer certificate shall apply to KDHE within one year of the applicant's successful completion of the KDHE-accredited project designer training course, as indicated on the course completion diploma. Applicants failing to apply within one year after the date on the training course completion diploma shall, before making application for certification, successfully complete the four-hour project designer refresher training course accredited by KDHE.

(4) An applicant who fails to apply within two years of the project designer training course and who has not successfully completed a refresher training course shall successfully complete the KDHE-accredited project designer training course before submitting an application for a project designer certificate.

(b) Application for project designer certificate under reciprocity.

(1) Each applicant for a project designer certificate by reciprocity shall submit a completed application to KDHE before consideration for certificate issuance. Completed applications shall be mailed to KDHE.

(2) Each application shall include the following:

(A) A completed lead occupation certificate application form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the applicant's social security number;

(iv) the address where the applicant would like to receive correspondence regarding the application or certification;

(v) the occupation for which the applicant wishes to be certified;

(vi) proof of any certification for lead occupations in other states, including the name of the other states, type of certification, certification expiration date, certificate number, and copies of the other states' certificate or license;

(vii) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and copy of the EPA certificate; and

(viii) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(C) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3.

(c) Training, education, and experience requirements for a project designer certificate.

(1) Each applicant for a certificate as a project designer shall complete a KDHE-accredited lead abatement supervisor training course and a KDHE-accredited project designer course and shall pass both course examinations, each with a score of at least 70%.

(2) Each applicant for a certificate as a project designer shall meet the minimum education and experience requirements for a certified project designer.

(A) The minimum education and experience requirements for a certified project designer shall include at least one of the following:

(i) A bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design;

(ii) at least one year of experience as a certified project designer, certified by the secretary, the EPA, or an EPA-approved state, and at least two years of experience in building construction and design; or

(iii) at least four years of experience in building construction and design.

(B) The following documents shall be recognized by KDHE as evidence of meeting the requirements listed in paragraph (c)(2)(A) of this regulation:

(i) Official academic transcripts or diplomas, as evidence of meeting the education requirements;

(ii) resumes, letters of reference, or documentation of work experience, which shall include specific dates of employment, each employer's name, address, and telephone number, and specific job duties, as evidence of meeting the work experience requirements;

(iii) course completion diplomas issued by the KDHE-accredited training provider as evidence of meeting the training requirements; and

(iv) a copy of the project designer certificate or identification badge as evidence of having been a certified project designer.

(d) Procedure for issuance or denial of a project designer certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the individual's application for certification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) If an application for certification is denied, the written notice of denial to the applicant shall specify the rea-

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son or reasons for the denial. Certification may be denied by KDHE for any of the following reasons:

- (i) Failure to satisfy education or experience requirements;
- (ii) the type and amount of training;
- (iii) false or misleading statements in the application;
- (iv) failure to submit a complete application;
- (v) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;
- (vi) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200, as adopted by reference in K.A.R. 28-72-5;
- (vii) fraud or failure to disclose facts relevant to the application;
- (viii) permitting the duplication or use by another of the individual's certificate;
- (ix) any other information that may affect the applicant's ability to appropriately perform project designer activities; or
- (x) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a project designer certificate by submitting a complete lead occupation application form with another nonrefundable certification fee, as specified in K.A.R. 28-72-3.

(D) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(2) If the application is approved, a two-year project designer certificate and a photo identification badge shall be issued by KDHE.

(3) A certificate may be issued with specific restrictions pursuant to an agreement between the applicant and KDHE. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-10. Application process and licensure renewal requirements for lead activity firms. (a) Application for a lead activity firm license.

(1) Each applicant for a lead activity firm license shall submit a completed application to KDHE before consideration for license issuance. Completed applications shall be mailed to KDHE.

(2) The application shall include the following:

(A) A completed lead activity firm application on a form provided by KDHE, which shall include the following:

- (i) The applicant's name, address, and telephone number;
- (ii) if the applicant is a sole proprietorship, the applicant's social security number or, if the applicant is a cor-

poration, the applicant's federal employee identification number;

(iii) the county or counties in which the applicant is located;

(iv) a description of any lead-based paint activities that the applicant will be conducting, including lead inspection, risk assessments, lead abatement projects, and project design;

(v) a certification that the lead activity firm will employ only appropriately KDHE-certified individuals to conduct lead-based paint activities; and

(vi) a certification that the lead activity firm and its employees will follow the Kansas work practice standards for lead-based paint activities specified in K.A.R. 28-72-13 through K.A.R. 28-72-21;

(B) if the applicant is a corporation, a copy of its registration with the Kansas secretary of state's office. Each corporation desiring a license as a lead activity firm under the act shall be registered and in good standing with the Kansas secretary of state's office;

(C) if the applicant conducts business under a fictitious name, a copy of its fictitious name registration, which shall be registered with the Kansas secretary of state's office; and

(D) a check or money order made payable to KDHE for the nonrefundable fee specified in K.A.R. 28-72-3, unless the lead activity firm is exempt from this fee because the firm is a state, federally recognized Indian tribe, local government, or nonprofit organization.

(b) Procedure for issuance or denial of a lead activity firm license.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

(ii) Failure to submit the information requested in the written notice within 30 calendar days shall result in KDHE's denial of the firm's application for licensure.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) If an application for licensure is denied, the written notice of denial to the applicant shall specify the reason or reasons for the denial. Licensure may be denied by KDHE for any of the following reasons:

- (i) False or misleading statements in the application;
- (ii) failure to submit a complete application;
- (iii) three or more citations or violations within the past two years, by the firm's president, officers, or employees, of any existing local, state, or federal lead-based paint activity regulations or standards;
- (iv) three or more violations within the past two years by the firm's president, officers, or employees of 29 CFR 1926.62 or 29 CFR 1910.1200, as adopted by reference in K.A.R. 28-72-5;

(v) fraud or failure to disclose facts relevant to the application;

(vi) permitting the duplication or use by another of the firm's license;

(vii) any other information that may affect the applicant's ability to appropriately perform lead abatement activities; or

(viii) final disciplinary action, for any violation of lead-based paint activity standards, against the firm by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the firm, including the denial of licensure, surrender of the license, allowing the license to expire, or discontinuing or restricting the license while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If an application is denied, the applicant may reapply to KDHE for a lead activity firm license by submitting a complete lead activity firm application form with another nonrefundable license fee, as specified in K.A.R. 28-72-3.

(D) After notice of a complete application, a two-year lead activity firm license shall be issued by KDHE.

(E) If an applicant is aggrieved by a determination to deny licensure, the applicant may appeal the secretary's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(F) A license may be issued with specified restrictions pursuant to an agreement between the applicant and KDHE.

(2) Change of ownership. If a licensed lead activity firm changes ownership, the new owner shall notify KDHE in writing no later than 30 calendar days before the change of ownership becomes effective. The notification shall include a new lead activity firm license application, the appropriate fee, and the date that the change of ownership will become effective. The new lead activity firm application shall be processed in the same manner as that required for an initial license, in accordance with this regulation. The current lead activity firm's license shall expire on the effective date set forth in the notification of the change of ownership.

(3) Renewal application for a lead activity firm license. A completed application for a lead activity firm license renewal shall be mailed to KDHE at least 60 days before the expiration date on the license, accompanied by the nonrefundable renewal fee specified in K.A.R. 28-72-3. However, any lead activity firm that is a state, federally recognized Indian tribe, local government, or nonprofit organization shall be exempt from payment of this fee. If the licensee fails to apply at least 60 days before the license expiration date, renewal of the license before the end of the licensing period shall not be guaranteed by KDHE.

(4) Expiration of license. If a licensed lead activity firm allows its license to expire, the firm shall be required to submit an application in the same manner as that required for an application for an initial license, in accordance with this regulation. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-11. Renewal of lead occupation certificates.

(a) Renewal application for lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, and project designer.

(1) If a certified individual wishes to renew a lead occupation certificate, the individual shall submit a completed application for renewal of certificate, including the required supporting documentation, to KDHE at least 60 days before the certificate's expiration date as indicated on the certificate. Failure of the certified individual to submit an application at least 60 days before the certificate's expiration date may result in the certificate not being renewed before the current license expires.

(2) The certified individual applying for renewal shall complete the eight-hour KDHE-accredited training course for the appropriate occupation.

(3) Each renewal application shall include the following:

(A) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(i) The applicant's full legal name, home address, and telephone number;

(ii) the name, address, and telephone number of the applicant's current employer;

(iii) the certified individual's social security number;

(iv) the county or counties in which the certified individual is employed;

(v) the address where the certified individual would like to receive correspondence regarding the certification;

(vi) the lead occupation certificate that the applicant wishes to have renewed;

(vii) the type of refresher training course completed, including the name of the training provider, diploma identification number, and dates of course attendance; and

(viii) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(B) a copy of the KDHE-accredited refresher training course completion diploma for the appropriate occupation;

(C) two recent, passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(D) a check or money order made payable to KDHE for the appropriate nonrefundable recertification fee, as specified in K.A.R. 28-72-3.

(b) Procedure for issuance or denial of a renewal lead occupation certificate.

(1) The applicant shall be informed by KDHE in writing that the application is approved, incomplete, or denied.

(A) If an application is incomplete, the notice shall include a list of additional information or documentation required to complete the renewal application.

(i) Within 30 calendar days after the issuance date of the notice, the applicant shall submit to KDHE, in writing, the information requested in the written notice.

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(ii) Failure to submit the information requested in the written notice within 30 calendar days after the issuance of the notice, shall result in KDHE's denial of the individual's application for recertification.

(iii) After receipt of the information requested in the written notice, the applicant shall be informed by KDHE in writing that the application is either approved or denied.

(B) If a renewal application for certification is denied, the written notice of denial to the applicant shall specify the reason or reasons for denial. Certification may be denied by KDHE for any of the following reasons:

(i) Failure to satisfy education or experience requirements;

(ii) the type and amount of training;

(iii) false or misleading statements in the application;

(iv) failure to submit a complete application;

(v) three or more citations or violations within the past two years of any existing local, state, or federal lead-based paint activity regulations or standards;

(vi) three or more violations within the past two years of 29 CFR 1926.62 or 29 CFR 1910.1200, as adopted by reference in K.A.R. 28-72-5;

(vii) fraud or failure to disclose facts relevant to the application;

(viii) permitting the duplication or use by another of the individual's training certificate;

(ix) any other information that may affect the applicant's ability to appropriately perform lead abatement activities; or

(x) final disciplinary action, for any violation of lead-based paint activity standards, against the certified individual by another state, territory, federal agency, or country, whether or not voluntarily agreed to by the certified individual, including the denial of certification, surrender of the certificate, allowing the certificate to expire, or discontinuing or restricting the certificate while subject to investigation or while actually under investigation by another state, territory, federal agency, or country.

(C) If a renewal application is denied, the applicant may reapply to KDHE for a lead occupation certificate by submitting a complete lead occupation application form with the appropriate nonrefundable recertification fee, as specified in K.A.R. 28-72-3.

(2) If an applicant is aggrieved by a determination to deny certification, the applicant may appeal KDHE's denial to the KDHE hearing section, in accordance with the Kansas administrative procedure act.

(3) After notice of a complete renewal application, a two-year certificate and a photo identification badge shall be issued by KDHE.

(4) A certificate may be issued with specific restrictions pursuant to an agreement between the certified individual and KDHE. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202, 65-1,203, and 65-1,207; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-12. Application process and requirements for reapplication after certificate expiration. (a) Unless renewed or revoked sooner, a certificate shall expire two years after its effective date indicated on the current cer-

tificate. If a certified individual allows the certificate to expire before renewal but desires to be certified, the individual shall reapply to KDHE. Completed applications shall be mailed to KDHE.

(b) Each application shall include the following:

(1) A completed lead occupation certificate application on a form provided by KDHE, which shall include the following:

(A) The applicant's full legal name, home address, and telephone number;

(B) the name, address, and telephone number of the applicant's current employer;

(C) the applicant's social security number;

(D) the county or counties in which the applicant is employed;

(E) the address where the applicant would like to receive correspondence regarding the application or certification;

(F) the occupation for which the applicant wishes to be certified;

(G) proof of any certification for lead occupations in other states, including the names of the other states, type of certification, certification expiration date, certificate number, and copies of other states' certificate or license;

(H) proof of any certification by the EPA, including the EPA region number, type of certification, certification expiration date, certificate number, and copy of the EPA certificate;

(I) the type of training completed, including the name of the training provider, diploma identification number, and dates of course attendance;

(J) any employment history or education that meets the experience requirements in K.A.R. 28-72-5 through K.A.R. 28-72-9, as applicable; and

(K) the signature of the applicant, which shall certify that all information in the application is complete and true to the best of the applicant's knowledge and that the applicant will comply with applicable state statutes and regulations;

(2) a copy of the KDHE-accredited lead occupation training course completion diploma for the appropriate occupation;

(3) two recent passport-size color photographs of the applicant's face without a hat or sunglasses. Computer-generated or photocopied photographs shall not be acceptable; and

(4) a check or money order made payable to KDHE for the nonrefundable certification fee appropriate to the lead occupation, as specified in K.A.R. 28-72-3.

(c)(1) Any applicant who fails to reapply before the certificate expiration date and who has not successfully completed a refresher training course shall successfully complete the appropriate KDHE-accredited initial training course again.

(2) Any certified lead inspector, risk assessor, or lead abatement supervisor who allows the certification to expire before renewal shall retake the third-party examination for the appropriate occupation.

(d) The procedure for issuance or denial of a certificate after its expiration shall be that specified in K.A.R. 28-72-11(b). (Authorized by K.S.A. 2000 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effec-

tive, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-13. Work practice standards; general standards. (a) Except as provided in K.S.A. 65-1,203 and amendments thereto, all lead-based paint activities, as defined in the act, shall be performed pursuant to the work practice standards contained in this article.

(b) Except as provided in K.S.A. 65-1,203 and amendments thereto, when performing any lead-based paint activity that involves an inspection, lead-hazard screen, risk assessment, or abatement, a certified individual shall perform that activity in compliance with the appropriate requirements below.

(c) Conflict of interest. Certified lead inspectors and risk assessors conducting lead inspection activities shall avoid potential conflicts of interest by not being contracted, subcontracted, or employed by any lead activity firm performing lead abatement activities on the same lead abatement project.

(d)(1) Each certified individual shall comply with the following documented methodologies, which are hereby adopted by reference, when performing any lead-based paint activity:

(A) The U.S. department of housing and urban development (HUD) "guidelines for the evaluation and control of lead-based paint hazards in housing," dated June 1995, including appendices 7, 8, 11, 12, 13, and 14. Chapter 7 in the June 1995 edition is not adopted; instead, the 1997 revision of chapter 7 is adopted;

(B) the EPA "guidance on identification of lead-based paint hazards; notice," published September 11, 1995; and

(C) the EPA "residential sampling for lead: protocols for dust and soil sampling" (EPA final report no. 747-R-95-001 and MRI project no. 9803), published March 29, 1995.

(2) If a conflict exists between any of the aforementioned methodologies and any federal or state statute or regulation, or any city or county ordinance, the most stringent of these shall be adhered to by the certified lead inspector or risk assessor. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-14. Work practice standards; inspection. (a) Except as provided in K.S.A. 65-1,203, and amendments thereto, a lead inspection or any portion of a lead inspection shall be conducted only by a person certified by KDHE as a lead inspector or risk assessor, and all inspections shall be conducted according to the procedures specified in this regulation.

(b) When conducting an inspection, the lead inspector or risk assessor shall select the following locations according to the documented methodologies in K.A.R. 28-72-13 (d)(1) and shall test for the presence of lead-based paint:

(1) In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the lead inspector or risk assessor de-

termines to have been replaced after 1978, or not to contain lead-based paint; and

(2) in a multifamily dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the lead inspector or risk assessor determines to have been replaced after 1978, or not to contain lead-based paint.

(c)(1) Paint shall be sampled according to both of the following requirements:

(A) The analysis of paint to determine the presence of lead shall be conducted using the documented methodologies in K.A.R. 28-72-13 (d)(1).

(B) All collected paint chip samples shall be analyzed according to K.A.R. 28-72-19 of this section to determine if they contain detectable levels of lead that can be quantified numerically.

(2) The certified inspector or risk assessor shall prepare an inspection report, which shall include the following information:

(A) The date of each inspection;

(B) the address of the building;

(C) the date of the construction;

(D) apartment numbers, if applicable;

(E) the name, address, and telephone number of the owner or owners of each residential dwelling;

(F) the name, signature, and certificate number of each certified lead inspector or risk assessor, or both, conducting testing;

(G) the name, address, and telephone number of the licensed lead activity firm employing each lead inspector or risk assessor, or both, if applicable;

(H) each testing method and device or sampling procedure, or both, employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;

(I) a summary of laboratory results, categorized as positive or negative, and the name of each recognized laboratory that conducted the analysis, along with the laboratory's certification number;

(J) floor plans or sketches of the units inspected, showing the appropriate test locations and any identifying number systems;

(K) a summary of the substrates tested, including the identification of component, component integrity, paint condition and color, and test identification numbers associated with the results; and

(L) the results of the inspection expressed in terms appropriate to the sampling method used.

(d) Time frame for submission of reports. The inspection report shall be provided to the owner of the property within 20 business days after completion of the lead inspection. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-15. Work practice standards; lead hazard screen. (a) Except as provided in K.S.A. 65-1,203, and amendments thereto, a lead hazard screen shall be con-

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ducted only by a person certified by KDHE as a risk assessor.

(b) If a lead hazard screen is conducted, the risk assessor shall conduct each lead hazard screen as follows:

(1) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that may cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.

(2) A visual inspection of the residential dwelling or child-occupied facility shall be conducted to achieve the following:

- (A) Determine if any deteriorated paint is present; and
- (B) locate at least two dust sampling locations.

(3) If deteriorated paint is present, each surface with deteriorated paint that is determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

(4) In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways, or stairwells where one or more children through the age of 72 months are most likely to come in contact with dust.

(5) In multifamily dwellings and child-occupied facilities, in addition to the floor and window samples required in paragraph (b)(4) of this regulation, the risk assessor shall also collect composite dust samples from common areas where one or more children through the age of 72 months are most likely to come into contact with dust.

(c) Dust samples shall be collected and analyzed in the following manner:

(1) All dust samples shall be taken using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).

(2) All collected dust samples shall be analyzed according to K.A.R. 28-72-19 to determine if they contain detectable levels of lead that can be quantified numerically.

(d) Paint shall be sampled according to both of the following requirements:

(1) The analysis of paint to determine the presence of lead shall be conducted using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).

(2) All collected paint chip samples shall be analyzed according to K.A.R. 28-72-19 to determine if they contain detectable levels of lead that can be quantified numerically.

(e) The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

- (1) The date of the assessment;
- (2) the address of each building;
- (3) the date of construction of each building;
- (4) the apartment number, if applicable;
- (5) the name, address, and telephone number of each owner of each building;
- (6) the name, signature, and certificate number of the certified risk assessor conducting the assessment;
- (7) the name, address, and telephone number of each recognized laboratory conducting analysis of collected samples, along with the laboratory's certificate number;

(8) the results of the visual inspection;

(9) the testing method and sampling procedure employed for the paint analysis;

(10) specific locations of each paint component tested for the presence of lead;

(11) all data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device, and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;

(12) all results of laboratory analysis on collected paint, soil, and dust samples;

(13) any other sampling results;

(14) any background information collected regarding the physical characteristics of the residential dwelling or multifamily dwelling and occupant-use patterns that may cause lead-based paint exposure to one or more children through the age of 72 months; and

(15) recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

(f) Time frame for submission of reports. The lead hazard screen report shall be provided to the owner of the property within 20 business days after completion of the lead hazard screen. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-16. Work practice standards; risk assessment. (a) Except as provided by K.S.A. 65-1,203, and amendments thereto, a risk assessment shall be conducted only by a person certified by KDHE according to K.A.R. 28-72-2 and K.A.R. 28-72-5 through K.A.R. 28-72-12 as a risk assessor. If a risk assessment is conducted, the assessment shall be conducted according to the procedures specified in this regulation.

(b) A visual inspection of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and assess other potential lead-based paint hazards.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that could cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.

(d) Each surface with deteriorated paint that is determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead. Each other surface determined, using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1), to be a potential lead-based paint hazard and to have a distinct painting history shall also be tested for the presence of lead.

(e) In residential dwellings, dust samples, either composite or single-surface samples, from the window and floor shall be collected in all living areas where one or more children through the age of 72 months are most likely to come into contact with dust.

(f) For multifamily dwellings and child-occupied facilities, the samples required in subsection (e) of this regulation shall be taken. In addition, window and floor dust

samples, either composite or single-surface samples, shall be collected in the following locations:

(1) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and

(2) other common areas in the building where the risk assessor determines that one or more children through the age of 72 months are likely to come into contact with dust.

(g) For child-occupied facilities, window and floor dust samples, either composite or single-surface samples, shall be collected in each room, hallway, or stairwell utilized by one or more children through the age of 72 months and in other common areas in the child-occupied facility where the risk assessor determines that one or more children through the age of 72 months are likely to come into contact with dust.

(h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(1) Exterior play areas where bare soil is present; and

(2) dripline or foundation areas where bare soil is present.

(i) All paint, dust, or soil sampling or testing shall be conducted using one or more of the documented methodologies in K.A.R. 28-72-13 (d)(1).

(j) All collected paint chip, dust, or soil samples shall be analyzed according to K.A.R. 28-72-19 to determine if the samples contain detectable levels of lead that can be quantified numerically.

(k) The certified risk assessor shall prepare a risk assessment report, which shall include the following information:

(1) The date of the assessment;

(2) the address of each building;

(3) the date of construction of the buildings;

(4) the apartment number, if applicable;

(5) the name, address, and telephone number of each owner of each building;

(6) the name, signature, and certificate number of the certified risk assessor conducting the assessment;

(7) the name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples, along with the laboratory's certificate number;

(8) the results of the visual inspection;

(9) the testing method and sampling procedure used for each paint analysis;

(10) specific locations of each painted component tested for the presence of lead;

(11) all data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device and a copy of the XRF device user's certificate of training provided by the equipment manufacturer;

(12) all results of laboratory analysis on collected paint, soil, and dust samples;

(13) any other sampling results;

(14) any background information collected pursuant to subsection (c) of this regulation;

(15) to the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards;

(16) a description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards; and

(17) a description of interim controls or abatement options, or both, for each identified lead-based paint hazard and the suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(l) Time frame for submission of reports. The risk assessment report shall be provided to the owner of the property and to the person requesting the risk assessment within 20 business days after completion of the lead-based paint hazard risk assessment. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-17. Work practice standards; elevated blood lead level investigation risk assessments. (a) In order to perform an elevated blood lead (EBL) level investigation risk assessment, the EBL inspector shall have a certificate from KDHE.

(b) The EBL inspector shall have the parents or guardians of the EBL child complete an approved KDHE questionnaire before sampling. Environmental testing shall be linked to the EBL child's history and may include the testing of a prior residence or other areas frequented by the EBL child.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that may cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.

(d) Each surface on the dwelling itself, furniture, or play structures frequented by the EBL child that has deteriorated surface coatings shall be tested for the presence of lead.

(e) Dust samples from areas frequented by the EBL child, including play areas, porches, kitchens, bedrooms, and living and dining rooms, shall be collected. Dust samples shall also be collected from automobiles, work shoes, and laundry rooms if occupational lead exposure is a possibility.

(f) Soil samples shall be collected from bare soil areas of play, areas near the foundation of the house, and areas from the yard. If the EBL child spends significant time at the park or other play area, samples shall be collected from these areas, unless the area has already been sampled and documented.

(g) If necessary, water samples of the first-drawn water from the tap most commonly used for drinking water, infant formula, or food preparation shall be collected.

(h) All paint, dust, and soil collection and testing shall be conducted using the documented methodologies in K.A.R. 28-72-13 (d)(1). (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-18. Work practice standards; lead abatement. (a) Except as provided in K.S.A. 65-1,203, and
(continued)

amendments thereto, a lead abatement shall be conducted only by an individual certified by KDHE and shall be conducted according to the procedures specified in this article.

(b) A certified lead abatement supervisor shall be required for each lead abatement project and shall be on-site during all work-site preparation and during the post-abatement cleanup of work areas. At all other times when lead abatement activities are being conducted, the certified lead abatement supervisor shall be on-site or available by telephone, pager, or answering service, and shall be able to be present at the work site in no more than one hour.

(c) The certified lead abatement supervisor and licensed lead activity firm employing that supervisor shall ensure that all lead abatement activities are conducted according to the requirements of the Kansas work practice standards in this article and all other federal, state, and local requirements.

(d) Notification of the commencement of lead-based paint activities in a residential dwelling or child-occupied facility or as the result of a federal, state, or local order shall be given to KDHE before the commencement of abatement activities. The procedure for this notification shall be as follows:

(1) Any person or lead activity firm conducting a lead abatement project in target housing or in any child-occupied facility shall submit a notification to KDHE at least 10 business days before the onset of the lead abatement project.

(2) The notification shall be mailed to KDHE with a check or money order made payable to the Kansas department of health and environment for the nonrefundable project fee specified in K.A.R. 28-72-3.

(3) The notification form provided to the department shall include the following:

(A) The street address, city, state, zip code, and county of each location where lead abatement will occur;

(B) the name, address, and telephone number of the property owner;

(C) an indication of the type of structure or structures being abated, including single-family or multifamily dwelling, child-occupied facility, or any combination of these types;

(D) the date of the onset of the lead abatement project;

(E) the estimated completion date of the lead abatement project;

(F) the work days and hours of operation during which the lead abatement project will be conducted;

(G) the name, address, telephone number, and license number of the lead activity firm;

(H) the name and certificate number of each lead abatement worker;

(I) the type or types of lead abatement strategy or strategies that will be utilized, including enclosure, encapsulation, replacement, removal, or any combination of these strategies, and the specific locations within the unit where these strategies will be utilized;

(J) the signature of each lead abatement supervisor, which shall certify that all information provided in the project notification is complete and true to the best of the supervisor's knowledge; and

(K) a written certification from the lead abatement supervisor, within 10 days after successfully achieving clearance, that clearly states that all abatement control options were conducted in accordance with all local, state, and federal regulations, as well as in accordance with the preabatement notification letter submitted to KDHE.

(e) Emergency notification. If the lead activity firm is unable to comply with the 10-day notification period in the event of an emergency situation, the lead activity firm shall perform the following:

(1) Notify KDHE by telephone, facsimile, or electronic mail within 24 hours after the onset of the lead abatement project; and

(2) submit written notification and payment of fees as described in subsection (d) of this regulation no more than five business days after the onset of the lead abatement project.

(f) A written occupant protection plan, which shall be unique to each residential dwelling or child-occupied facility, shall be developed before the lead abatement begins. The occupant protection plan shall describe the measures and management procedures that will be taken during the lead abatement to protect the building occupants from exposure to any lead-based paint hazards.

(1) The certified lead abatement supervisor or project designer responsible for the project shall prepare the occupant protection plan.

(2) The occupation protection plan shall meet the following requirements:

(A) Describe the work practices and strategies that will be taken during the lead abatement project to protect the building occupants from exposure to any lead hazards;

(B) include the results of any lead inspections or risk assessments completed before the commencement of the lead abatement project;

(C) be provided to an adult occupant of each dwelling or dwelling unit being abated and to the property owner, or property owner's designated representative, before the commencement of the lead abatement project; and

(D) be submitted to KDHE with the lead abatement project notification.

(g) The work practices listed below shall be restricted as follows:

(1) Open-flame burning or torching of lead-based paint shall be prohibited.

(2) Machine sanding or grinding, or abrasive blasting or sandblasting of lead-based paint shall be prohibited unless used with high efficiency particulate air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(3) Dry scraping of lead-based paint shall be permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than 20 square feet on exterior surfaces.

(4) Operating a heat gun on lead-based paint shall be permitted only at temperatures below 1,100° Fahrenheit.

(5) Hydro blasting or pressurized water washing of lead-based paint without containment and water collection and filtering shall be prohibited.

(6) The use of methylene chloride-based chemical strippers shall be prohibited.

(7) Solvents that have flashpoints below 140° Fahrenheit shall be prohibited.

(8) Enclosure strategies shall be prohibited if the barrier is not warranted by the manufacturer to last at least 20 years under normal conditions or if the primary barrier is not a solid barrier.

(9) Encapsulation strategies shall be prohibited if the encapsulant is not warranted by the manufacturer to last at least 20 years under normal conditions or if the encapsulant has been improperly applied.

(h) Permissible lead abatement project strategies. Strategies that shall be permissible for lead abatement projects are the following: replacement, enclosure, encapsulation, and removal. Any lead abatement strategy not specified in this article shall be submitted to and approved by KDHE for evaluation before implementation. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-18e. Work practice standards; postabatement clearance procedures. Except as provided in K.S.A. 65-1-203, and amendments thereto, the following postabatement clearance procedures shall be performed only by a certified inspector or risk assessor:

(a) Following a lead abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces or visible amounts of dust, debris, or residue are still present. These conditions shall be eliminated before continuation of the clearance procedures.

(b) Following the visual inspection and any postabatement cleanup required by subsection (a), clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(c)(1) Dust samples for clearance purposes shall be taken using one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).

(2) Dust samples for clearance purposes shall be taken a minimum of one hour after completion of final postabatement cleanup activities.

(d) The following postabatement activities shall be conducted as appropriate, based upon the extent or manner of lead abatement activities conducted in or to the residential dwelling or child-occupied facility:

(1) After conducting a lead abatement with containment between abated and unabated areas, one dust sample shall be taken from one window, if available, and one dust sample shall be taken from the floors of no fewer than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, or stairwells shall be sampled.

(2) After conducting a lead abatement with no containment, two dust samples shall be taken from no fewer than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall

be taken from one window, if available, and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways, or stairwells shall be sampled.

(3) Following an exterior paint abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they shall be removed from the site and properly disposed of, according to all applicable federal, state, and local requirements.

(e) The rooms, hallways, or stairwells selected for sampling shall be selected according to one or more of the documented methodologies in K.A.R. 28-72-13(d)(1).

(f) The certified inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each dust sample with applicable clearance levels for lead in dust on floors and windows as established below in this subsection. If the residual lead levels in a dust sample exceed the clearance levels, all the components represented by the failed sample shall be recleaned and retested until clearance levels are met.

Following completion of a lead abatement activity, all dust, soil, and water samples shall comply with the following clearance levels:

(1) Dust samples:

Media	Clearance Level
Floors	40 µg/ft ²
Interior windowsills	250 µg/ft ²
Window troughs and exterior horizontal surfaces	400 µg/ft ²

(2) Soil samples:

Media	Clearance Level
Bare soil (rest of yard)	1,200 ppm
Bare soil (small, high-contact areas, including sand boxes and gardens)	400 ppm

(3) Water 15 ppb or 15µg/L

(g) In a multifamily dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted if the following conditions are met:

(1) The certified individuals who abate or clean the residential dwelling do not know which residential dwelling will be selected for the random sample.

(2) A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than five percent or 50 of the residential dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.

(3) The randomly selected residential dwellings are sampled and evaluated for the clearance according to the procedures found in this regulation.

(continued)

(h) A postabatement clearance report shall be prepared by a certified lead abatement supervisor or project designer. The postabatement clearance report shall include the following information:

(1) The start and completion dates of the lead abatement;

(2) the name and address of each licensed lead activity firm conducting the lead abatement and the name of each lead abatement supervisor assigned to the lead abatement project;

(3) the name, address, and signature of each certified risk assessor or lead inspector conducting clearance sampling and the date of clearance testing;

(4) the results of clearance testing and soil analysis, if applicable, and the name of each recognized laboratory that conducted the analysis;

(5) a detailed written description of the abatement, including the lead abatement methods used, locations of rooms or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures; and

(6) a written certification from the firm stating that all lead abatement activities have taken place in accordance with all applicable local, state, and federal laws and regulations.

(i) Time frame for submission of reports. The clearance report shall be provided to the owner of the property within 20 business days after completion of the clearance

inspection. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-19. Work practice standards; collection and laboratory analysis of samples. All paint chip, dust, and soil samples collected pursuant to the work practice standards contained in this article shall meet the following conditions:

(a) Be collected by persons certified by KDHE as a lead inspector or risk assessor; and

(b) be analyzed by a recognized laboratory. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202 and 65-1,203; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

28-72-21. Work practice standards; recordkeeping. All reports or plans required in this article shall be maintained for no fewer than three years by the licensed lead activity firm or certified individual who prepared the report. (Authorized by K.S.A. 2001 Supp. 65-1,202; implementing K.S.A. 2001 Supp. 65-1,202; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 028624

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2002 Supplement to the *Kansas Administrative Regulations*.

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1-2-31	Amended	V. 21, p. 767
1-2-42	Amended	V. 21, p. 767
1-2-42a	Amended	V. 21, p. 767
1-2-48	Revoked	V. 21, p. 767
1-5-22	Amended	V. 21, p. 767
1-5-29	Amended	V. 21, p. 767
1-6-3	Amended	V. 21, p. 767
1-6-21	Amended	V. 21, p. 768
1-6-26a	New	V. 21, p. 768
1-9-4	Amended	V. 21, p. 768
1-9-5	Amended	V. 21, p. 769
1-11-1	Amended	V. 21, p. 770
1-14-12a	Revoked	V. 21, p. 770
1-16-18	Amended	V. 21, p. 146

AGENCY 4: DEPARTMENT OF AGRICULTURE

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4-1-17	Amended (T)	V. 21, p. 1174
4-1-17	Amended	V. 21, p. 1749

4-4-2	Amended	V. 21, p. 1749
4-13-9	Amended (T)	V. 21, p. 1174
4-13-9	Amended	V. 21, p. 1749
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4-13-24	Amended (T)	V. 21, p. 1174, 1175
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4-13-24	Amended	V. 21, p. 1749, 1750
4-13-33	Amended (T)	V. 21, p. 1175
4-13-33	Amended	V. 21, p. 1750
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4-14-2	Revoked	V. 21, p. 1705
4-14-3	Revoked	V. 21, p. 1705
4-15-1	Revoked	V. 21, p. 1705
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4-15-3	Revoked	V. 21, p. 1705
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4-15-14	New	V. 21, p. 1705-1708
4-18-1	Revoked	V. 21, p. 1708
4-19-1	Amended (T)	V. 21, p. 1175
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4-25-1	Amended	V. 21, p. 1750
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4-25-18	New	V. 21, p. 232-235

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-3-26	Amended (T)	V. 21, p. 1131
5-3-26	Amended	V. 21, p. 1704
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5-15-4	New (T)	V. 21, p. 690-692
5-15-1 through 5-15-4		
5-15-4	New	V. 21, p. 1307-1309
5-16-1 through 5-16-7		
5-16-7	New	V. 21, p. 1667-1669

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7-37-2	Amended	V. 21, p. 1056

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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11-1-14	New	V. 21, p. 1319-1321
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11-2-6	Revoked	V. 21, p. 1321
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11-7-6	Amended	V. 21, p. 1321
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 11-10-6 New V. 21, p. 1323-1324

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25-1-15	Revoked	V. 21, p. 236
25-1-19 through 25-1-28	Revoked	V. 21, p. 236
25-2-4	Revoked	V. 21, p. 236
25-3-2 through 25-3-6	Revoked	V. 21, p. 236
25-3-8	Revoked	V. 21, p. 236
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25-5-1	Revoked	V. 21, p. 236

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26-1-4	Revoked	V. 21, p. 745
26-1-5	Amended	V. 21, p. 745
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26-5-6	Amended	V. 21, p. 745
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26-8-1	Amended	V. 21, p. 1747
26-8-2	Amended (T)	V. 21, p. 1172
26-8-2	Amended	V. 21, p. 1747
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26-8-3	Revoked	V. 21, p. 1748
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26-8-7	Amended (T)	V. 21, p. 1173
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28-4-331	Amended	V. 21, p. 1168
28-4-351	Amended (T)	V. 21, p. 500
28-4-351	Amended	V. 21, p. 1170
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28-19-714	New	V. 21, p. 1325
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28-29-2201	New	V. 21, p. 310
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30-6-109	Amended	V. 21, p. 1011
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30-64-20	Amended	V. 21, p. 80
30-64-22	Amended	V. 21, p. 80
30-64-23	Amended	V. 21, p. 80
30-64-24	Amended	V. 21, p. 1310

30-64-30	Amended	V. 21, p. 81
30-64-31	Amended	V. 21, p. 81
30-64-32	Amended	V. 21, p. 82
30-64-34	Revoked	V. 21, p. 82

**AGENCY 40: KANSAS INSURANCE
 DEPARTMENT**

Reg. No.	Action	Register
40-1-43	Amended	V. 21, p. 451
40-1-46	Amended	V. 21, p. 212
40-1-47	New	V. 21, p. 588
40-1-48	Amended	V. 21, p. 1056
40-1-49	New	V. 21, p. 1703
40-2-22	Revoked	V. 21, p. 589
40-4-37	Amended	V. 21, p. 741
40-4-37k	Amended	V. 21, p. 1272
40-4-37q	New	V. 21, p. 1272
40-4-37s	New	V. 21, p. 743
40-4-37t	New	V. 21, p. 1272
40-4-37u	New	V. 21, p. 1370

**AGENCY 44: DEPARTMENT OF
 CORRECTIONS**

Reg. No.	Action	Register
44-4-103	Revoked	V. 21, p. 309
44-4-104	Revoked	V. 21, p. 309
44-4-106 through 44-4-109	Revoked	V. 21, p. 309
44-5-101	Revoked	V. 21, p. 309
44-5-103	Revoked	V. 21, p. 309
44-5-107 through 44-5-110	Revoked	V. 21, p. 309
44-5-113	Revoked	V. 21, p. 309
44-5-114	Revoked	V. 21, p. 309
44-6-101	Amended	V. 21, p. 1406
44-6-106	Amended	V. 21, p. 1407
44-6-107	Amended	V. 21, p. 1407
44-6-108	Amended	V. 21, p. 1408
44-6-114c	Amended	V. 21, p. 1408
44-6-114d	New	V. 21, p. 1409
44-6-114e	New	V. 21, p. 1409
44-6-115	Revoked	V. 21, p. 1415
44-6-115a	New	V. 21, p. 1415
44-6-115b	New	V. 21, p. 1415
44-6-115c	New	V. 21, p. 1417
44-6-117	Revoked	V. 21, p. 1418
44-6-120	Revoked	V. 21, p. 1418
44-6-124	Revoked	V. 21, p. 1418
44-6-125	Amended	V. 21, p. 1418
44-6-126	Amended	V. 21, p. 1419
44-6-133	Revoked	V. 21, p. 1419
44-6-134	Amended	V. 21, p. 1419
44-6-136	Amended	V. 21, p. 1419
44-6-136a	Amended	V. 21, p. 1420
44-6-137	Amended	V. 21, p. 1420
44-6-138	Amended	V. 21, p. 1420
44-6-140	Amended	V. 21, p. 1421
44-6-140a	Amended	V. 21, p. 1421
44-6-141	Amended	V. 21, p. 1421
44-6-142	Revoked	V. 21, p. 1421
44-6-143	Amended	V. 21, p. 1421
44-6-146	Revoked	V. 21, p. 1422
44-7-102	Revoked	V. 21, p. 309
44-7-103	Revoked	V. 21, p. 309
44-7-105	Revoked	V. 21, p. 309
44-7-106	Revoked	V. 21, p. 309
44-7-107	Revoked	V. 21, p. 309
44-7-109	Revoked	V. 21, p. 309
44-7-112	Revoked	V. 21, p. 309
44-7-114	Revoked	V. 21, p. 309
44-7-115	Revoked	V. 21, p. 309
44-7-116	Revoked	V. 21, p. 309
44-8-110 through 44-8-114	Revoked	V. 21, p. 309
44-11-111	Amended	V. 21, p. 335
44-11-112	Revoked	V. 21, p. 336
44-11-113	Amended	V. 21, p. 336
44-11-114	Revoked	V. 21, p. 336
44-11-115	Revoked	V. 21, p. 336
44-11-119	Amended	V. 21, p. 336
44-11-120	Amended	V. 21, p. 336

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44-11-121	Amended	V. 21, p. 337	44-14-202	Revoked	V. 21, p. 83	60-11-116	Amended	V. 21, p. 316
44-11-122	Revoked	V. 21, p. 337	44-14-301	through		60-11-121	Amended	V. 21, p. 1767
44-11-123	Amended	V. 21, p. 337	44-14-318	Revoked	V. 21, p. 83	60-13-103	Amended	V. 21, p. 316
44-11-124	Revoked	V. 21, p. 337	44-15-101	Amended	V. 21, p. 84	60-13-110	Amended	V. 21, p. 317
44-11-127	Amended	V. 21, p. 337	44-15-101a	Amended	V. 21, p. 84	60-16-101	Amended	V. 21, p. 841
44-11-129	Amended	V. 21, p. 338	44-15-102	Amended	V. 21, p. 85	60-16-103	Amended	V. 21, p. 842
44-11-130	Amended	V. 21, p. 338	44-15-201	Amended	V. 21, p. 86	60-16-104	Amended	V. 21, p. 842
44-11-131	Amended	V. 21, p. 339	44-16-102	Amended	V. 21, p. 86	AGENCY 63: BOARD OF MORTUARY ARTS		
44-11-132	Amended	V. 21, p. 339	44-16-103	Revoked	V. 21, p. 86	Reg. No.	Action	Register
44-11-133	Amended	V. 21, p. 339	44-16-104	Revoked	V. 21, p. 86	63-1-23	New	V. 21, p. 659
44-11-135	Amended	V. 21, p. 339	44-16-105	Amended	V. 21, p. 86	63-3-22	New	V. 21, p. 659
44-12-103	Amended	V. 21, p. 117	44-16-106	Revoked	V. 21, p. 86	63-3-23	New	V. 21, p. 659
44-12-105	Amended	V. 21, p. 117	44-16-107	Revoked	V. 21, p. 86	63-4-1	Amended	V. 21, p. 659
44-12-106	Amended	V. 21, p. 117	44-16-108	Revoked	V. 21, p. 86	63-7-1		
44-12-107	Amended	V. 21, p. 117	AGENCY 45: KANSAS PAROLE BOARD			through		
44-12-201	through		Reg. No.	Action	Register	63-7-8	New	V. 21, p. 660-662
44-12-205	Amended	V. 21, p. 118	45-1-1	Revoked	V. 21, p. 1894	AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY		
44-12-210	Amended	V. 21, p. 118	45-4-4	through		Reg. No.	Action	Register
44-12-303	Amended	V. 21, p. 118	45-4-7	Revoked	V. 21, p. 1894	65-4-3	Amended	V. 21, p. 183
44-12-305	Amended	V. 21, p. 118	45-4-9	Revoked	V. 21, p. 1894	AGENCY 66: BOARD OF TECHNICAL PROFESSIONS		
44-12-306	Amended	V. 21, p. 119	45-6-1	Revoked	V. 21, p. 1894	Reg. No.	Action	Register
44-12-307	Amended	V. 21, p. 119	45-6-2	Revoked	V. 21, p. 1894	66-8-4	Amended	V. 21, p. 1789
44-12-309	Amended	V. 21, p. 119	45-6-3	Revoked	V. 21, p. 1894	66-9-5	Amended	V. 21, p. 1789
44-12-310	Amended	V. 21, p. 119	45-6-5	Revoked	V. 21, p. 1894	66-10-1	Amended	V. 21, p. 1789
44-12-312	Amended	V. 21, p. 119	45-7-1	through		66-10-9	Amended	V. 21, p. 1789
44-12-313	Amended	V. 21, p. 119	45-7-5	Revoked	V. 21, p. 1894	66-10-10b	New	V. 21, p. 1789
44-12-314	Amended	V. 21, p. 119	45-9-1	through		66-10-13	Amended	V. 21, p. 1790
44-12-318	Amended	V. 21, p. 120	45-9-4	Revoked	V. 21, p. 1894	66-11-1a	New	V. 21, p. 1790
44-12-320	Revoked	V. 21, p. 120	45-10-1	Revoked	V. 21, p. 1894	66-11-1b	New	V. 21, p. 1790
44-12-321	Amended	V. 21, p. 120	45-11-1	Revoked	V. 21, p. 1895	66-11-5	New	V. 21, p. 1790
44-12-325	Amended	V. 21, p. 120	45-14-1	Revoked	V. 21, p. 1895	66-14-6	Amended	V. 21, p. 1790
44-12-326	Revoked	V. 21, p. 120	45-16-2	Revoked	V. 21, p. 1895	AGENCY 68: BOARD OF PHARMACY		
44-12-327	Amended	V. 21, p. 120	45-16-3	Revoked	V. 21, p. 1895	Reg. No.	Action	Register
44-12-328	Amended	V. 21, p. 120	45-16-4	Revoked	V. 21, p. 1895	68-1-1a	Amended	V. 21, p. 746
44-12-401	Amended	V. 21, p. 120	45-100-1	New	V. 21, p. 1895	68-1-1e	Revoked	V. 21, p. 308
44-12-501	Amended	V. 21, p. 121	45-200-1	New	V. 21, p. 1895	68-1-2a	Amended	V. 21, p. 746
44-12-503	Amended	V. 21, p. 121	45-200-2	New	V. 21, p. 1896	68-1-3	Revoked	V. 21, p. 308
44-12-504	Amended	V. 21, p. 121	45-300-1	New	V. 21, p. 1896	68-1-3a	Amended	V. 21, p. 746
44-12-505b	Amended	V. 21, p. 121	45-300-2	New	V. 21, p. 1896	68-2-5	Amended	V. 21, p. 308
44-12-601	Amended	V. 21, p. 121	45-400-1	through		68-9-1	Amended	V. 21, p. 308
44-12-602	Amended	V. 21, p. 123	45-400-4	New	V. 21, p. 1896, 1897	AGENCY 74: BOARD OF ACCOUNTANCY		
44-12-702	Amended	V. 21, p. 123	45-500-1	through		Reg. No.	Action	Register
44-12-801	Amended	V. 21, p. 123	45-500-4	New	V. 21, p. 1897, 1898	74-4-7	Amended	V. 21, p. 1867
44-12-902	Amended	V. 21, p. 123	45-600-1	New	V. 21, p. 1899	74-4-8	Amended	V. 21, p. 1867
44-12-1002	Amended	V. 21, p. 123	45-700-1	New (T)	V. 21, p. 1328	74-4-9	Amended	V. 21, p. 1901
44-12-1306	Amended	V. 21, p. 123	45-700-1	New	V. 21, p. 1900	74-5-101	Amended	V. 21, p. 1868
44-12-1307	Amended	V. 21, p. 124	45-700-2	New (T)	V. 21, p. 1328	74-5-102	Amended	V. 21, p. 1868
44-13-101	Amended	V. 21, p. 151	45-700-2	New	V. 21, p. 1900	74-5-202	Amended	V. 21, p. 1869
44-13-104	Revoked	V. 21, p. 151	45-800-1	New	V. 21, p. 1900	74-5-302	Amended	V. 21, p. 1869
44-13-105	Amended	V. 21, p. 151	AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION			74-5-401	Amended	V. 21, p. 1869
44-13-106	Amended	V. 21, p. 151	Reg. No.	Action	Register	74-5-406	Amended	V. 21, p. 1869
44-13-201	Amended	V. 21, p. 152	51-2-6	New	V. 21, p. 864	74-7-4	New	V. 21, p. 1870
44-13-201b	Amended	V. 21, p. 153	51-3-1	through		74-11-6	Amended	V. 21, p. 1870
44-13-202	Amended	V. 21, p. 153	51-3-4	Amended	V. 21, p. 864-865	74-11-7	Amended	V. 21, p. 1870
44-13-302a	Revoked	V. 21, p. 153	51-9-12	through		AGENCY 82: STATE CORPORATION COMMISSION		
44-13-304	Revoked	V. 21, p. 153	51-9-14	Revoked	V. 21, p. 865	Reg. No.	Action	Register
44-13-306	New	V. 21, p. 154	51-9-15	New	V. 21, p. 1224	82-3-105	Amended (T)	V. 21, p. 1175
44-13-307	New	V. 21, p. 154	51-9-16	New	V. 21, p. 1271	82-3-105	Amended	V. 21, p. 1750
44-13-401	Amended	V. 21, p. 154	51-10-6	Revoked	V. 21, p. 865	82-3-113	Amended (T)	V. 21, p. 1175
44-13-401a	Revoked	V. 21, p. 154	51-17-1	Revoked	V. 21, p. 865	82-3-113	Amended	V. 21, p. 1750
44-13-402	Amended	V. 21, p. 154	51-24-1	Amended	V. 21, p. 865	82-3-114	Amended (T)	V. 21, p. 1176
44-13-403	Amended	V. 21, p. 155	51-24-3	Amended	V. 21, p. 865	82-3-114	Amended	V. 21, p. 1751
44-13-404	Amended	V. 21, p. 156	51-24-4	Amended	V. 21, p. 866	82-3-117	Amended (T)	V. 21, p. 1176
44-13-405a	Amended	V. 21, p. 157	AGENCY 60: BOARD OF NURSING			82-3-117	Amended	V. 21, p. 1751
44-13-406	Amended	V. 21, p. 158	Reg. No.	Action	Register	82-3-120	Amended (T)	V. 21, p. 1176
44-13-408	Amended	V. 21, p. 158	60-2-101	Amended	V. 21, p. 840	82-3-120	Amended	V. 21, p. 1751
44-13-409	Amended	V. 21, p. 158	60-3-106	Amended	V. 21, p. 840	82-3-311	Amended (T)	V. 21, p. 1178
44-13-501	Amended	V. 21, p. 158	60-3-110	Amended	V. 21, p. 1764	82-3-311	Amended	V. 21, p. 1753
44-13-502a	Amended	V. 21, p. 158	60-3-112	Amended	V. 21, p. 1764	82-3-312	Amended	V. 21, p. 117
44-13-506	through		60-4-103	Amended	V. 21, p. 841	82-3-400	Amended	V. 21, p. 383
44-13-509	Amended	V. 21, p. 158, 159	60-9-105	Amended	V. 21, p. 1765	82-3-401	Amended	V. 21, p. 383
44-13-601	Amended	V. 21, p. 159	69-9-107	Amended	V. 21, p. 1765	82-3-401a	Revoked	V. 21, p. 384
44-13-603	Amended	V. 21, p. 159				82-3-401b	Revoked	V. 21, p. 384
44-13-610	Amended	V. 21, p. 159				82-3-402	through	
44-13-701	through					82-3-410	Amended	V. 21, p. 384-389
44-13-704	Amended	V. 21, p. 159, 160				82-3-411	New	V. 21, p. 389
44-13-705	Revoked	V. 21, p. 161						
44-13-706	Amended	V. 21, p. 161						
44-13-707	Amended	V. 21, p. 161						
44-14-101	Revoked	V. 21, p. 83						
44-14-102	Revoked	V. 21, p. 83						
44-14-201	Revoked	V. 21, p. 83						

82-3-412	New	V. 21, p. 390
82-3-1000	through	
82-3-1012	New (T)	V. 21, p. 1178-1188
82-3-1000	through	
82-3-1012	New	V. 21, p. 1753-1763
82-4-22	Amended (T)	V. 21, p. 1329
82-4-22	Amended	V. 21, p. 1702

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-19	New	V. 21, p. 1814
86-3-15	Amended	V. 21, p. 1814

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-5-1	through	
88-5-4	Revoked	V. 21, p. 1705
88-6-1	Revoked	V. 21, p. 1705
88-6-2	Revoked	V. 21, p. 1705
88-6-3	Revoked	V. 21, p. 1705
88-16-1a	Revoked (T)	V. 21, p. 501
88-16-1a	Revoked	V. 21, p. 1166
88-16-1b	New (T)	V. 21, p. 501
88-16-1b	New	V. 21, p. 1166
88-24-1	New	V. 21, p. 1705
88-24-2	New	V. 21, p. 1705

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-146a	through	
91-1-146e	Revoked	V. 21, p. 178
91-1-205	Amended	V. 21, p. 1583
91-1-206	Amended	V. 21, p. 178
91-1-215	through	
91-1-219	New	V. 21, p. 178-180
91-10-1a*	Revoked	V. 21, p. 1705
91-10-2*	Revoked	V. 21, p. 1705

(*By Board of Regents)

91-32-1	through	
91-32-9	Revoked	V. 21, p. 1867

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Revoked	V. 21, p. 332
92-1-2	Revoked	V. 21, p. 332
92-1-3	Revoked	V. 21, p. 332
92-5-4	Revoked	V. 21, p. 312
92-5-5	through	
92-5-10	Amended	V. 21, p. 312, 313
92-5-11	Revoked	V. 21, p. 313
92-5-12	Amended	V. 21, p. 313
92-5-13	Amended	V. 21, p. 313
92-8-20	Revoked	V. 21, p. 332
92-9-1	Amended	V. 21, p. 332
92-9-3	Amended	V. 21, p. 332
92-9-4	Amended	V. 21, p. 332
92-9-5	Amended	V. 21, p. 332
92-9-7	Revoked	V. 21, p. 332

92-11-1	through	
92-11-16	Revoked	V. 21, p. 332, 333
92-12-4	Amended	V. 21, p. 586
92-12-11	Amended	V. 21, p. 586
92-12-29	Revoked	V. 21, p. 586
92-12-47	Amended	V. 21, p. 586
92-12-56	Revoked	V. 21, p. 587
92-12-58	Amended	V. 21, p. 587
92-12-67	Amended	V. 21, p. 587
92-12-68	Revoked	V. 21, p. 587
92-12-105	Amended	V. 21, p. 587
92-12-106	Amended	V. 21, p. 587
92-12a-1	through	
92-12a-23	Revoked	V. 21, p. 333, 334
92-14-4	through	
92-14-9	Amended	V. 21, p. 334, 335

92-15-3	Amended	V. 21, p. 335
92-15-4	Amended	V. 21, p. 335
92-15-8	Amended	V. 21, p. 335
92-17-1	through	
92-17-6	Amended	V. 21, p. 313, 314
92-18-1	through	
92-18-7	Revoked	V. 21, p. 1307
92-19-2	Revoked	V. 21, p. 1311
92-19-2a	New	V. 21, p. 1311
92-19-6	Revoked	V. 21, p. 1312
92-19-6a	New	V. 21, p. 1312
92-19-35a	New	V. 21, p. 1312
92-19-55	Revoked	V. 21, p. 1313
92-19-55a	New	V. 21, p. 1313
92-19-61	Revoked	V. 21, p. 1315
92-19-61a	New	V. 21, p. 1315
92-19-82	New	V. 21, p. 1316
92-20-11	Revoked	V. 21, p. 1318
92-22-4	Amended	V. 21, p. 450
92-22-19	Revoked	V. 21, p. 450
92-22-22	Revoked	V. 21, p. 450
92-22-23	Amended	V. 21, p. 450
92-22-24	Revoked	V. 21, p. 450
92-22-25	Amended	V. 21, p. 450
92-22-33	New	V. 21, p. 450
92-22-34	New	V. 21, p. 450
92-23-10	Amended	V. 21, p. 180
92-23-15	Amended	V. 21, p. 180
92-23-16	Amended	V. 21, p. 180

92-23-17	through	
92-23-23	New	V. 21, p. 181
92-23-25	New	V. 21, p. 181
92-23-30	New	V. 21, p. 181
92-23-31	New	V. 21, p. 182
92-23-38	Amended	V. 21, p. 182
92-23-38a	Amended	V. 21, p. 182
92-23-40	Amended	V. 21, p. 182
92-24-9	through	
92-24-15	Amended	V. 21, p. 314, 315
92-24-18	Amended	V. 21, p. 315
92-24-22	Amended	V. 21, p. 316
92-24-24	Amended	V. 21, p. 316
92-56-1	through	
92-56-5	Amended	V. 21, p. 1057-1059

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1	through	
94-2-18	Amended	V. 21, p. 703-708
94-2-19	New	V. 21, p. 708
94-2-20	New	V. 21, p. 708
94-3-1	Amended	V. 21, p. 709
94-3-2	Amended	V. 21, p. 709
94-4-1	New	V. 21, p. 710
94-4-2	New	V. 21, p. 710

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 21, p. 1131
100-11-1	Amended	V. 21, p. 1864
100-27-1	Amended	V. 21, p. 307
100-28a-1	Amended	V. 21, p. 1864
100-29-7	Amended	V. 21, p. 1864
100-49-4	Amended (T)	V. 21, p. 1131
100-49-4	Amended	V. 21, p. 1864
100-69-3	Amended	V. 21, p. 1864
100-69-9	Amended	V. 21, p. 1865
100-69-10	Amended	V. 21, p. 1865
100-69-11	Amended	V. 21, p. 1866

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 21, p. 237
102-2-4b	Amended	V. 21, p. 238
102-3-3a	Amended	V. 21, p. 1132
102-3-4a	Amended	V. 21, p. 1133
102-3-6a	Revoked	V. 21, p. 1134
102-3-12a	Amended	V. 21, p. 1134

102-3-17	New	V. 21, p. 1137
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AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	Amended	V. 21, p. 1055
108-1-4	New	V. 21, p. 1366

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-1	Amended	V. 21, p. 1368
109-6-3	Amended	V. 21, p. 1369

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119	through	
111-2-124	New	V. 20, p. 416-419
111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 21, p. 590
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-2-132	New	V. 20, p. 1901
111-2-133	New	V. 20, p. 1901
111-2-134	New	V. 20, p. 1901
111-2-135	New	V. 21, p. 590
111-2-136	New	V. 21, p. 590
111-2-137	New	V. 21, p. 649
111-2-138	New	V. 21, p. 692
111-2-139	New	V. 21, p. 747
111-2-140	New	V. 21, p. 1521
111-2-141	New	V. 21, p. 1852
111-2-142	New	V. 21, p. 1852
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1448	Amended	V. 21, p. 1521
111-4-1795	through	
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814	through	
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825	through	
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840	through	
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845	through	
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854	through	
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572

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111-4-1874 through			111-5-82 Amended	V. 21, p. 1529	115-2-3 Amended	V. 21, p. 1558	
111-4-1877 New	V. 20, p. 1779-1781		111-5-83 Amended	V. 21, p. 1529	115-2-6 Amended	V. 21, p. 451	
111-4-1877 Amended	V. 20, p. 1902		111-5-92 through		115-4-4 Amended	V. 21, p. 452	
111-4-1878 through			111-5-98 New	V. 21, p. 1339-1341	115-5-1 Amended	V. 21, p. 1137	
111-4-1885 New	V. 20, p. 1902-1906		111-5-96 Amended	V. 21, p. 1530	115-5-2 Amended	V. 21, p. 1138	
111-4-1886 through			111-5-97 Amended	V. 21, p. 1531	115-5-3 Amended	V. 21, p. 1138	
111-4-1889 New	V. 21, p. 183-185		111-6-5 Amended	V. 21, p. 1531	115-7-1 Amended	V. 21, p. 1558	
111-4-1890 through			111-7-119 through		115-7-2 Amended	V. 21, p. 1559	
111-4-1893 New	V. 21, p. 591-593		111-7-127 Amended	V. 21, p. 594-597	115-7-7 New	V. 21, p. 1559	
111-4-1894 through			111-7-123 Amended	V. 21, p. 1531	115-9-4 Amended	V. 21, p. 177	
111-4-1900 New	V. 21, p. 649-655		111-7-126 Amended	V. 21, p. 1532	115-11-1 Amended	V. 21, p. 177	
111-4-1894 Amended	V. 21, p. 1276		111-7-134 Amended	V. 20, p. 429	115-11-2 Amended	V. 21, p. 177	
111-4-1901 through			111-7-152 Amended	V. 20, p. 49	115-13-3 Amended	V. 21, p. 1560	
111-4-1921 New	V. 21, p. 692-702		111-7-158 through		115-13-4 Amended	V. 21, p. 1560	
111-4-1910 Amended	V. 21, p. 747		111-7-162 New	V. 20, p. 577	115-16-5 New	V. 21, p. 1138	
111-4-1911 Amended	V. 21, p. 747		111-7-159 Amended	V. 20, p. 1101	115-16-6 New	V. 21, p. 1139	
111-4-1913 Amended	V. 21, p. 748		111-7-162 Amended	V. 20, p. 944	115-17-6 through		
111-4-1922 New	V. 21, p. 748		111-7-163 through		115-17-9 Amended	V. 21, p. 1889, 1890	
111-4-1923 New	V. 21, p. 749		111-7-170 New	V. 20, p. 1101-1103	115-17-11 Amended	V. 21, p. 1561	
111-4-1924 through			111-7-165 Amended	V. 20, p. 1194	115-17-12 Amended	V. 21, p. 1562	
111-4-1932 New	V. 21, p. 1329-1337		111-7-171 through		115-17-13 Amended	V. 21, p. 1562	
111-4-1929 Amended	V. 21, p. 1522		111-7-175 New	V. 20, p. 1782, 1783	115-17-14 Amended	V. 21, p. 1890	
111-4-1933 through			111-7-176 through		115-18-7 Amended	V. 21, p. 453	
111-4-1938 New	V. 21, p. 1523-1526		111-7-180 New	V. 21, p. 656, 657	115-18-13 Amended	V. 21, p. 1562	
111-4-1938 Amended	V. 21, p. 1852		111-7-181 New	V. 21, p. 1563	115-18-14 Amended	V. 21, p. 1563	
111-4-1939 through			111-7-182 through		115-20-2 Amended	V. 21, p. 1891	
111-4-1945 New	V. 21, p. 1854-1857		111-7-186 New	V. 21, p. 1861-1862	115-30-8 Amended	V. 21, p. 1891	
111-5-22 Amended	V. 21, p. 1758		111-8-101 through		AGENCY 117: REAL ESTATE APPRAISAL BOARD		
111-5-23 Amended	V. 21, p. 1858		111-8-126 New	V. 20, p. 1573-1579	Reg. No.	Action	Register
111-5-24 Amended	V. 21, p. 1858		111-9-111 New	V. 20, p. 1406	117-6-1	Amended	V. 21, p. 658
111-5-26 Amended	V. 21, p. 1859		111-9-112 Amended	V. 20, p. 1579	117-8-1	Amended	V. 21, p. 659
111-5-27 Amended	V. 21, p. 1860		111-9-113 Amended	V. 21, p. 186	AGENCY 118: STATE HISTORICAL SOCIETY		
111-5-28 Amended	V. 21, p. 1860		111-9-114 New	V. 21, p. 657	Reg. No.	Action	Register
111-5-30 Amended	V. 21, p. 1529		111-9-115 New	V. 21, p. 702	118-5-1		
111-5-32 Amended	V. 21, p. 1861		111-9-116 New	V. 21, p. 703	through		
111-5-33 Amended	V. 21, p. 1861		111-9-117 New	V. 21, p. 1533	118-5-10	New	V. 21, p. 1205-1208
111-5-78 Amended	V. 21, p. 751	AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS				AGENCY 126: UNMARKED BURIAL SITES PRESERVATION BOARD	
111-5-79 through		Reg. No.	Action	Register	Reg. No.	Action	Register
111-5-91 New	V. 21, p. 1278-1281	115-2-1	Amended	V. 21, p. 1557	126-1-1	New	V. 21, p. 1792
		115-2-2	Amended	V. 21, p. 1558	126-1-2	New	V. 21, p. 1792